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CIVIL GOVERNMENT
OF
COLORADO

BY
DORUS R. HATCH

NINETEENTH EDITION

PUBLISHED BY
HERRICK BOOK & STATIONERY CO.
DENVER, COLORADO
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Preface to the Nineteenth Edition

THIS work aims to give the principal facts of the machinery of our State Government. The desire has been to be comprehensive, reliable and brief. Since its first publication in 1892 it has been revised whenever important changes have been made either in the laws or in the Constitution. The present edition, the nineteenth, includes changes made up to August, 1921.

In the work of revision great care has been taken to have all statements in harmony with the facts at this date, but the publishers will be grateful to have pointed out to them any errors which may have crept into the text.

It is recommended that all copies of former editions now in use be replaced by the present edition, as many statements found in the previous editions are necessarily incorrect at this time and it is important that all texts of this character in use be as authoritative as possible.

The Herrick Book and Stationery Co.

Publishers

Denver, 1921.

CHAPTER I.

THE STATE OF COLORADO.

Boundaries.—The State of Colorado includes the territory lying between the thirty-seventh and forty-first parallels of north latitude, and the twenty-fifth and thirty-second degrees of longitude west from Washington. Longitude is not now reckoned from Washington and meridians 102 and 109 west from Greenwich are usually given as the east and west boundaries of Colorado. The marked boundary lines are some miles west of these meridians.

Acquisition.—This territory was acquired by the United States in three parcels. The north-eastern portion was a part of the Louisiana purchase from France in 1803. At that time its limits were not exactly defined. By the treaty of 1819 with Spain, the boundary between the United States and the Spanish possessions was described as "following the course of the southern bank of the Arkansas to its source———. —— from the said source due south or north, as the case may be, till it meets the said parallel of latitude, 42°". This defines the portion of Colorado acquired from France as that part lying north of the Arkansas River and east of that river and the meridian of its source.

When Texas was admitted into the Union in 1845, her territory was described as follows:—"All the land lying east of the Rio Grande and embraced within the limits of the Rio Grande on the west and south and the boundary between the United States and Spain under the Florida treaty of 1819, on the east."

In 1850 Texas sold to the United States all her territory outside her present limits. This included that portion of Colorado which is bounded on the north and

east by the Arkansas River and on the south-west by the Rio Grande. The north-western boundary of this portion was not defined.

The rest of the State was included in the Mexican cession of 1848.

History of French cession.—The part of Colorado acquired from France remained a part of the Territory of Louisiana until 1812. Upon the admission of the State of Louisiana in that year, the remainder of the Louisiana purchase received the name of Missouri Territory. After the admission of the State of Missouri in 1821, what remained of the territory was still for many years known as Missouri. That part of the French cession now included in Colorado became parts of the territories of Kansas and Nebraska upon their organization in 1854.

History of Texan and Mexican cessions.—That part of Colorado west of the "summit of the Rocky Mountains" was included in the territory of Utah, organized in 1850. The rest of the Texan and Mexican cessions became parts of New Mexico and Kansas, organized respectively in 1850 and 1854.*

Territory organized.—After the increase of population following the gold excitement of 1858-9, measures were taken resulting in 1861 in the organization of the Territory of Colorado, with the boundaries of the present State.

Enabling act.—The act of Congress enabling Colo-

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*Nebraska included that part of Colorado east of the summit of the Rocky Mountains and north of parallel forty.

The boundary of Kansas followed the 37th parallel west to the 103d meridian west from Greenwich; thence north to latitude 38; thence west to the "summit of the Rocky Mountains"; thence north on said summit to parallel 40; thence east, etc.

The boundary of New Mexico followed the 103d meridian west from Greenwich north to parallel 38; thence west on that parallel to the summit of the Sierra Madre; thence south with the crest of said mountains to the 37th parallel.

rado to become a State received the approval of President Grant on March 3, 1875.

Constitutional convention.—The convention to form a state constitution met in Denver, December 20, 1875, and adopted a constitution March 14, 1876.

Adoption of Constitution by the people.—The Constitution was adopted by the people at an election held July 1, 1876.

Final admission.—The proclamation of President Grant, announcing the final admission of Colorado as a State, is dated August 1, 1876.

National officers.—As a state, Colorado became entitled to two United States Senators, one Representative in Congress and three Presidential Electors. The number of representatives in Congress has been increased after each United States census. In the apportionment of representatives made by Congress after the census of 1910 Colorado became entitled to four congressmen. The General Assembly divides the State into congressional districts, in each of which a congressman is elected every two years.

United States senators are elected by popular vote, and serve six years. The terms of our present senators will expire one in 1924 and the other in 1926.

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*The Congressional Districts are as follows:

First district, the City and County of Denver;

Second District, Adams, Arapahoe, Boulder, Cheyenne, Clear Creek, Douglas, Elbert, Gilpin, Jefferson, Kit Carson, Larimer, Lincoln, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma.

Third district, Alamosa, Baca, Bent, Conejos, Costilla, Crowley, Custer, El Paso, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, Saguache and Teller.

Fourth district, Archuleta, Chaffee, Delta, Dolores, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Park, Pitkin, Rio Blanco, Routt, San Juan, San Miguel and Summit.

Presidential electors of whom there are now six (a number equal to the number of senators and representatives in Congress) are elected every four years to cast the vote of the State for president.

CHAPTER II.

THE CONSTITUTION.

Object of the Constitution.—In their Constitution, the people of Colorado declare the rights of individuals, establish a government and define its powers.

Force of the Constitution.—The people are the source of political power. In the Constitution of the United States, the people grant certain powers pertaining to the whole nation of the United States Government and deny certain other powers to the states. Within these limitations the power of the people of a state is supreme and absolute and the state constitution is the supreme law. None of its provisions can be contrary to the Constitution of the United States and no law passed by the legislature of a state is valid if it conflicts with the state constitution.

Parts of the Constitution. The Constitution consisted originally of a preamble, nineteen articles and a schedule. A twentieth article was added in 1902, a twenty-first article in 1912, a twenty-second in 1914, a twenty-third in 1918, and many amendments have been made changing the provision of the several articles. The Constitution as printed in this book has all additions and amendments incorporated in it. Each article treats of a separate topic, as, the Executive Department, Education, Militia, etc. In the schedule provision was made for the transfer of the government from the territorial to the state form.

Departments of government.—The Constitution provides for three departments of government; the Legislative, which makes the laws; the Executive, which carries the laws into effect; and the Judicial, which interprets and applies them.

Municipal corporations.—The Constitution provides for the establishment of divisions of the State, to which the control of local and minor affairs of government is given. These divisions are the county, school district, town and city. They receive the general name of municipal corporations. All the inhabitants in any one of these divisions are authorized to act in many respects as an individual. They can buy, hold and sell property, sue and be sued, make contracts, etc. They exercise such powers of government as are conferred upon them in the Constitution or by law.

Powers of government, how exercised.—The powers of the state and municipal governments are exercised through officers either elected by the people or appointed directly or indirectly by officers who are elected by the people.

CHAPTER III.

PUBLIC OFFICERS.

Official oath.—An officer, before entering upon the duties of his office, is required to take an oath to support the Constitutions of the United States and of Colorado, and to faithfully perform the duties of his office.

Official bonds.—Most public officers, especially those who have the handling, custody or disposition of

public money, are required to furnish an official bond. This is a writing binding the officer and those signing the bond with him to pay the State or the municipality of which he is an officer a certain sum of money. Attached to this obligation is a condition that if the officer performs the duties of his office faithfully, pays over money coming into his hands and delivers the books, records, etc. of his office to his successor, the obligation shall be void. Persons signing the bond with him are called his bondsmen, sureties or securities.

Qualifying.—Furnishing the bond, if any is required, and taking the oath, are called qualifying for the office.

Contest.—The election of an officer may be contested, that is, disputed before a court or other tribunal, on the ground of ineligibility, fraud at the election, error in counting the votes, etc.

Term of office.—The term of office of all elected and most appointed officers is fixed in the Constitution or by law. Some appointed officers hold office during the pleasure of the officer or board that appoints them. With few exceptions, officers both elected and appointed hold office until their successors are chosen and have qualified.

Pay of officers.—Most officers are paid fixed salaries out of the public treasury the amounts of which are fixed by law. Some are allowed certain fees in addition. Some minor officers such as notaries public, constables and justices in the smaller precincts are paid entirely by fees. In some cases salaries fixed by law must be paid out of the fees received, and if the fees do not amount to the salary fixed the remainder is not made up to them, but if there is a surplus it is turned into the public treasury.

Vacancies.—Vacancies in appointive offices are filled by the appointing power. In elective offices

vacancies are filled by appointment by some officer designated by law, the appointee holding only until the next regular election at which such officers are voted for, when the vacancy is filled by election. Special elections may be held to fill vacancies in the offices of member of the General Assembly, Representative in Congress or mayor of a city. A person elected to fill a vacancy holds office for the remainder of the unexpired term.

Recall from office.—By article XXI of the Constitution adopted in 1912, any elective officer may be recalled from office. This is done at an election upon a petition from one-fourth of the voters. A majority vote is necessary to recall an officer. A successor is elected at the same election.

CHAPTER IV.

THE LEGISLATIVE DEPARTMENT.

General Assembly.—The General Assembly of Colorado is the body of men who are elected by the people of the State to make the laws. It consists of a Senate and a House of Representatives.

Laws are also made directly by the people by the Initiative which is described later in this chapter.

Regular sessions.—The General Assembly meets in Denver on the first Wednesday of January of every odd-numbered year. The session of 1921 was the Twenty-third General Assembly.

Special sessions.—When necessary, the Governor may call together the General Assembly or the Senate alone, in special or extra session.

Quorum.—In each house a majority of the members makes a quorum, *i. e.,* the number authorized to do business.

Journal.—Each house keeps a journal of its proceedings and publishes it, except such parts as require secrecy.

MEMBERS OF THE GENERAL ASSEMBLY.

Qualifications.—To be eligible to the General Assembly, a person must be (1) twenty-five years of age, (2) a citizen of the United States, (3) a qualified voter and (4) a resident for twelve months preceding his election, of the county or district in which he is chosen.

Election.—Members of the General Assembly are elected at the general election in even-numbered years.

Terms.—Senators are elected for four years, Representatives for two. Their terms begin on the first Wednesday of December after their election.

Privilege from arrest.—Members of the General Assembly cannot be arrested during their attendance at the sessions of their respective houses, or in going to and returning from the same, except for "treason, felony, violation of their oath of office, and breach or surety of the peace."

Freedom of speech.—"For any speech or debate in either house they shall not be questioned in any other place." That is, for words spoken in debate, members cannot be held to answer in a court, as in an action for slander.

Disqualifications.—No member of the General Assembly can be appointed during his term to any civil office under the State.

No officer of the United States or of this State (except attorney-at-law, notary public or in the mili-

tia) can be a member of the General Assembly during his continuance in office.

Vacancies.—When vacancies occur in either house, the Governor may issue writs ordering special elections to fill them.

Pay.—The pay of members of the General Assembly is $1000 for the entire term of two years. They also get actual traveling expenses to and from Denver. This amount may be changed by law but no General Assembly can fix the pay of its own members.

OFFICERS OF LEGISLATIVE BODIES.

Legislative bodies in general have:

A presiding officer who preserves order, enforces the rules of the house and of parliamentary law, directs the business according to the order prescribed by the house, appoints committees, etc.,

A secretary or chief clerk, with subordinates to keep the records, read the bills, call the roll, etc.,

A sergeant-at-arms, who is the executive or police officer of the house,

A door-keeper, with assistants to permit only certain persons to pass through the doors,

A chaplain to conduct the religious exercises,

And pages to do errands for members and officers.

PARLIAMENTARY LAW.

The system of government under which English-speaking people live makes necessary frequent meetings of men for legislation or consultation. A set of rules to govern such meetings is necessary. The practices of the English Parliament were taken as a basis and have grown into an extensive and intricate system of rules, known as parliamentary law. Every assembly is understood to have a right to make its own rules, but when it does not, the common parlia-

mentary law governs, not from any legal force, but from common consent and from the necessity of having some kind of rules. The principal book of reference in the United States on parliamentary law is Jefferson's Manual of Parliamentary Practice, which is used as authority by both houses of our General Assembly.

COMMITTEES.

Definition.—A committee of a legislative house is one or more of its members, elected or appointed to consider and report upon a particular piece or class of business.

Standing committees.—Standing committees are such as are chosen at the beginning of a session and continue during the whole session to consider and report upon all business referred to them.

Select committees.—Committees appointed temporarily to consider one piece of business are called select or special committees. They are usually discharged, i. e., cease to be committees, when they have reported upon the business referred to them.

THE SENATE.

Senatorial districts.—The state is divided into twenty-nine senatorial districts in which are elected thirty-five senators.* No county can be divided in forming senatorial districts.

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*The senatorial districts are as follows:

District 1, City and County of Denver, seven senators; 2. Pueblo County, two senators; 3. El Paso County, two senators; one senator each for the remaining districts; 4. Las Animas; 5. Boulder; 6. Chaffee and Lake; 7. Weld; 8. Jefferson; 9. Fremont; 10. Larimer; 11. Gunnison and Delta; 12. Logan, Sedgwick, Phillips, Washington and Yuma; 13. Jackson, Routt, Rio Blanco and Moffat; 14. Costilla, Custer and Huerfano; 15. Rio Grande, Saguache and Mineral; 16. Mesa; 17. Dolores, Montrose and San Miguel; 18. Hinsdale, Ouray, San Juan and Archuleta; 19. La Plata and Montezuma; 20. Teller and Park; 21. Eagle, Garfield and Pitkin; 22. Adams, Arapahoe and Morgan; 23. Crowley and Otero; 24. Conejos and Alamosa; 25. Baca, Bent, Kiowa and Prowers; 26. Clear Creek, Gilpin, Grand and Summit; 27. Kit Carson, Cheyenne, Douglas, Elbert and Lincoln.

Rotation.—It is so arranged that the terms of half the senators expire and successors are elected every even-numbered year. The term being four years, one-half the senators of any General Assembly were members of the preceding General Assembly and one-half will be members of the next one.

Confirming power.—Many offices are filled by appointment by the Governor with the consent of the Senate. The Governor, having selected a person to fill such an office, sends a message to the Senate announcing the nomination. If a majority of the Senate vote for the nomination it is confirmed. If it does not get a majority vote, the Governor must make another appointment. If a vacancy occurs in such an office when the Senate is not in session, the Governor appoints a person to fill it, who holds the office only until the next session of the Senate, when the vacancy must be filled as above.

Presiding officer.—The Lieutenant-Governor is presiding officer of the Senate. He votes only when the Senate is equally divided.

President pro tempore.—On the first and last days of each session the Senate elects one of its members President *pro tempore*. He presides when the Lieutenant-Governor is absent. He votes as a member.

Committees, how chosen.—The Senate elects its standing committees. The presiding officer appoints all other committees, unless the Senate orders otherwise.

THE HOUSE OF REPRESENTATIVES.

Apportionment.—The sixty-five representatives are apportioned among the counties of the State.* In this apportionment no county can be divided.

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*The representatives are apportioned among the counties as follows: City and County of Denver, twelve representatives; Pueblo Co., four; El Paso, three; two each for: Weld; Boulder; Teller and Park; Crowley and Otero; one each for: Larimer; Mesa; Fremont; Jefferson; Arapahoe and Elbert;

Revenue bills.—All bills for raising revenue must originate in the House of Representatives.

Speaker of the House.—The presiding officer of the House is called the Speaker. He is elected by the House from among its members and votes as a member.

LEGISLATION.

Object of laws.—It is the duty of the General Assembly to make such laws as are necessary to the welfare of the people, such as: laws making provision for tax levies, making appropriationss of public money, regulating the government of municipal corporations, and the proceedings of courts; securing the rights of persons and property, preserving the public health and safety, etc.

Restrictions on legislation.—Besides the restrictions on state legislation contained in the Constitution of the United States, the State Constitution prohibits the passing of local and special laws in many cases enumerated in the Constitution and in all cases in which a general law can be made applicable. For instance, the General Assembly cannot pass a law removing the county seat of a certain county. The law on the subject must be a general one, under the provisions of which the county seat of any county may be removed.

METHOD OF PASSING BILLS.

Bill defined.—A bill is the form of a law proposed to a legislative assembly.

Restrictions on passage.—The Constitution contains the following restrictions on the passage of bills.

Garfield and Rio Blanco; Delta; Montrose; Conejos; Alamosa; Adams; Pitkin; La Plata; Lake; Rio Grande; Chaffee; Morgan and Washington; Clear Creek; Gilpin; Ouray; San Juan; Logan and Sedgwick; Phillips and Yuma; Gunnison; Saguache and Custer; Douglas; Lincoln, Kit Carson and Cheyenne; Kiowa and Bent; Prowers and Baca; San Miguel; Hinsdale, Archuleta and Mineral; Routt and Moffat; Summit, Grand and Jackson; Eagle; Huerfano and Costilla; Montezuma and Dolores.

1. No bill except the general appropriation bill can become a law unless introduced during the first fifteen days of the session.

2. No bill can become a law unless referred to a committee, returned therefrom and printed for the use of the members.

3. It must pertain to but one subject, which must be set forth in its title.

4. It must be read at length on two different days in each house.

5. A majority vote of all the members elected to each house is required to pass a bill. The final vote must be taken by ayes and noes, and the names of those voting for and against it must be entered on the journal.

6. When passed it must be signed by the presiding officers in the presence of their respective houses.

Governor's action.—It is then sent to the Governor. If he approves it, he signs it and it becomes a law.

If the Governor disapproves of a bill, he vetoes it, *i. e.,* returns it to the house in which it originated, with his objections in writing. The bill is reconsidered by this house, and if two-thirds of the members elected vote for it, it is sent to the other house. If it there gets a like majority, it becomes a law without the Governor's signature.

If the Governor does not return the bill within ten days, it becomes a law without his signature, unless the General Assembly adjourns meanwhile, in which case the Governor must file the bill and his objections to it with the Secretary of State within thirty days after adjournment; otherwise it becomes a law.

INITIATIVE AND REFERENDUM.

At the general election of 1910 the people adopted an amendment to section one of Article V of the Constitution providing for the initiative and referendum. By the initiative the people by petition may propose laws and amendments to the Constitution, and adopt or reject the same at the general election by a majority

vote. By the referendum the people also by petition may submit to a vote a law or part of a law passed by the General Assembly.

Petitions.—The form of petitions is prescribed by the Secretary of State. The expense is borne by those interested. Only qualified electors may sign and each signature must be accompanied by the address of the signer and the date of signing. Each petition must have attached to it the affidavit of a qualified elector that he knows each signer to be a qualified elector. Referendum petitions refer to the law in question only by title, section, clause, etc. The text of initiated measures must be printed in full on each petition. Referendum petitions must be filed with the Secretary of State within ninety days after the adjournment of the General Assembly at which the law in question was passed. Petitions for the initiation of laws must be filed with the Secretary of State at least four months before the election at which they are to be voted on.

Size of petitions.—Petitions for the referendum must be signed by qualified electors in number equal to at least five per cent of the vote for Secretary of State at the last general election. For the initiative eight per cent is required.

Miscellaneous provisions.—The Governor cannot veto initiated legislation. Laws so adopted go into effect upon proclamation of the vote upon them. The text of all measures to be submitted under the initiative and referendum is printed by the Secretary of State in each county for four weeks before the election at which they are to be voted on. The General Assembly may itself refer laws and can repeal a law adopted by the people under the initiative. All laws passed by the General Assembly are subject to the referendum except such as may be "necessary for the immediate preservation of the public peace, health or safety" or such as appropriate money for the maintenance of the state government or state institutions.

In cities and towns.—The voters of cities, towns and municipalities can initiate or refer legislation, act-

ing either under the general law or making their own provisions except that no more than ten per cent of the voters shall be required for the initiative nor fifteen per cent for the referendum.

PUBLICATION OF LAWS.

The laws of the State of Colorado have been thrice collected at public expense and published in one volume. The third publication was in 1908, under the title of "The Revised Statutes of Colorado, 1908." A fourth compilation of the laws was provided for by the Twenty-second General Assembly, to be known as "The Compiled Laws of Colorado, 1921."

The laws of each session of the General Assembly are printed in a separate volume. These, as well as the compiled laws, are distributed free to public officials and institutions.

CHANGES IN THE CONSTITUTION.

Revision.—Section I of Article XIX of the Constitution provides a method of calling a convention to "revise, alter and amend" the Constitution. No such convention has ever been hold.

Amendment.—Amendments to the Constitution may be proposed by a law requiring a two-thirds vote of each house of the General Assembly. The Secretary of State publishes such proposed amendments in each county for four weeks preceding the next general election at which members of the General Assembly are elected and they are voted on at such election. If they receive a majority of the votes cast, they become a part of the Constitution.

Amendments to the Constitution may also be made directly by the people acting under the initiative.

CENSUS AND APPORTIONMENT.

National census.—The National census is taken in years whose numbers end with 0.

Apportionment.—The General Assembly from time to time apportions anew the senators and representatives among the people and counties of the State.

IMPEACHMENT.

State officers may be impeached. The House of Representatives impeaches, or accuses; the Senate tries the case; the punishment is removal from office and disqualification for holding office. No case of impeachment has yet occurred. See Article XIII of the Constitution.

CANVASS OF VOTES FOR EXECUTIVE OFFICERS.

The abstracts of the votes cast for state executive officers in the various counties, are sent by the county clerks to the Secretary of State, directed to the Speaker of the House of Representatives. After the organization of the House, the Secretary of State delivers these returns to the Speaker. They are opened and read in the presence of both houses of the General Assembly and the persons having the highest number of votes for the offices respectively are declared elected thereto.

Contests.—The General Assembly in joint session tries contested elections of state executive officers.

CHAPTER V.

THE EXECUTIVE DEPARTMENT.

Officers.—The executive department of the state government consists of the Governor, Lieutenant-Governor, Secretary of State, State Treasurer, State Auditor, Superintendent of Public Instruction and Attorney-General.

Election.—These officers are elected at the general election in even-numbered years.

Term.—The term of the executive officers is two years, beginning the second Tuesday in January after their election.

Qualifications.—To be eligible to these offices a person must be (1) a qualified elector, (2) a citizen of the United States and (3) must have resided in the State two years next preceding his election. No person can become Governor, Lieutenant-Governor or Superintendent of Public Instruction unless thirty years of age; or Auditor, Treasurer or Secretary of State unless twenty-five years of age; nor Attorney-General unless twenty-five years of age and a licensed attorney.

Neither Treasurer nor Auditor can be elected as his own immediate successor.

Vacancies.—If the office of Secretary of State, Auditor, Treasurer, Attorney-General or Superintendent of Public Instruction becomes vacant, the Governor appoints a person to fill the vacancy.

THE GOVERNOR.

Supreme executive.—The supreme executive power of the State is vested in the Governor. The Constitution provides that he "shall take care that the laws be faithfully executed."

Commander-in-Chief of militia.—The Governor is Commander-in-Chief of the militia of the State except when it is called into the actual service of the United States. He has power to call out the militia to execute the laws, suppress insurrection or repel invasion. He signs all commissions issued to officers of the militia.

Appointing power.—The Governor appoints many of the officers of the state government. Most of these appointments must be confirmed by the Senate. The Governor also fills by appointment vacancies in the office of United States senator.

Removing power.—The Governor may remove from office any officer appointed by him either with or without the consent of the Senate, for "incompetency, neglect of duty or malfeasance in office."

Pardoning power.—The Governor has power to grant reprieves and pardons for all offenses after con-

viction, except treason and except in cases of impeachment.

Legislative powers.—The Governor's veto power and power to convene the General Assembly have been mentioned. The Governor also has power to adjourn the General Assembly if the two houses disagree as to the time of adjournment.

Message.—It is the duty of the Governor to send to the General Assembly, at the beginning of every session and from time to time, messages giving information of the condition of the State and recommending legislative measures. He presents also an estimate of the amount of money required to be raised by taxation for state purposes.

Other powers.—When arson or murder has been committed, the Governor has power to offer rewards for the criminals. He issues warrants for the arrest and delivery or criminals from other states. He has power to examine the books of the State Treasurer or Auditor, to demand information of the officers of the executive department or of state institutions, and to employ counsel on behalf of the State. He commissions officers appointed by him, signs state land patents, is a member of state boards, etc.

Vacancy.—If the office of Governor becomes vacant, the Lieutenant-Governor becomes Governor. If a vacancy then occur, the President *pro tempore* of the Senate succeeds to the office and after him the Speaker of the House of Representatives.

Salary.—The salary of the Governor is $5,000 a year.

LIEUTENANT-GOVERNOR

The Lieutenant-Governor presides over the Senate and becomes Governor in case of a vacancy in that office. His salary is $1,000 per year.

SECRETARY OF STATE.

Duties.—Some of the important duties of the Secretary of State are:

1. To keep the laws passed by the General Assembly,

2. To keep the great seal of the State, which can be lawfully affixed by no other person,

3. To record in his office, public papers, maps, bonds, trade-marks or manufacturers' brands, commissions issued by the Governor, certificates of incorporation, etc.,

4. To notify county clerks of general elections, of the state and national officers to be voted for thereat, with the names of the nominees, the titles of referred bills and the text of initiated laws, receive and transmit election returns and issue certificates of election upon the statement of the State Board of Canvassers,

5. The Secretary of State is *ex officio* State Labor Commissioner. The work of this office is done by an appointed officer called the Deputy Labor Commissioner and Chief Factory Inspector.

Salary.—The salary of the Secretary of State is $4,000 per year.

STATE TREASURER.

Duties.—The most important duties of the State Treasurer are:

1. To receive and keep money belonging to the State, and pay it out upon the warrant of the State Auditor and otherwise, as provided by law.

2. To countersign and keep a record of all warrants issued by the State Auditor,

3. To make the Auditor a daily report of the money paid out, and a monthly report of money received and paid out and warrants registered.

Bond.—The State Treasurer gives a bond of $1,000,000.

Salary.—His salary is $6,000 a year.

STATE AUDITOR.

Duties.—The Auditor is general accountant of the State.

1. He examines claims against the State, and if a claim is good and there is an appropriation for the purpose, he issues a warrant on the Treasurer for the amount.

2. He issues to insurance companies certificates of authority to do business, and has power to examine their officers under oath and their books, and to revoke their certificates if he finds their affairs in an unsound condition.

Salary.—His salary is $4,000 a year.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Duties.—The important duties of the State Superintendent are:

1. To furnish to county superintendents of schools lists of questions to be used in the examinations of teachers,

2. By visiting the various counties, making public addresses, etc., to awaken an interest in, and improve the condition of, the public schools of the State,

3. To furnish decisions on points of school law, which are final until set aside by a court or by legislation,

4. To apportion the income of the state school fund among the counties.

Salary.—The salary is $3,000 a year.

ATTORNEY-GENERAL.

Duties.—The principal duties of the Attorney-General are:

1. To appear for the State and the executive departments in legal actions,

2. To give written opinions on points of law at the request of the General Assembly, Governor or other executive officer.

Salary.—His salary is $5,000 a year.

The various executive officers are members of state

boards* of which the following are the most important:

STATE BOARD OF CANVASSERS.

Duties.—This board meets after every election at which state and national officers are elected, examines the returns made by the county clerks, makes a statement therefrom of the number of votes given each candidate, of the number of votes for and against each measure submitted, determines which persons have been elected, certifies this statement and determination and delivers it to the Secretary of State. This Board does not canvass the vote for executive officers.

STATE BOARD OF EDUCATION.

Powers.—This Board has power:

1. To make regulations not inconsistent with law, for the government of the public schools,

2. To hear appeals from the decisions of county superintendents, its decisions being final,

3. To grant, upon examination or after five years eminent service in the educational work of the State, state diplomas, entitling the holder to teach in any public school in the State without further examination. A state diploma is good for the life of the holder, but may be revoked by the State Board of Education.

STATE BOARD OF EQUALIZATION.

The duties formerly performed by this board are now performed by the State Tax Commission (see page 55). Since this board is provided for in the Consti-

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*The officers composing these boards are as follows:

State Board of Canvassers.—Governor, Secretary of State, Treasurer, Auditor and Attorney-General.

State Board of Education.—Superintendent of Public Instruction, Secretary of State and Attorney-General.

State Board of Equalization.—Governor, Secretary of State, Treasurer, Auditor and Attorney-General.

State Auditing Board.—Governor, Auditor, Treasurer, Secretary of State and Attorney-General.

tution it still exists, reviewing and approving the work of the Tax Commission.

STATE AUDITING BOARD.

Powers.—This board has control of all appropriations for the various incidental and contingent funds and may make transfers from one to another. It also decides upon the validity of expenditure of state money by the boards in charge of the various state institutions, bureaus and departments.

THE STATE MILITIA.

Of whom composed.—All able-bodied male citizens of Colorado and those who have declared their intention to become citizens of the United States, between the ages of eighteen and forty-five, unless exempt by law, are liable to military duty.

By whom called out.—The Governor has power to call out the militia to execute the laws, suppress insurrection or repel invasion.

Colorado National Guard.—Military organizations are kept up in many towns in the State. These are armed and equipped by the State. They are together known as the Colorado National Guard and are called out before the unorganized militia.

Military fund.—The expense of the militia is met by an annual poll tax of one dollar, and a tax on all the property in the state, the proceeds of which make up the military fund.

APPOINTED OFFICERS.

The following named officers are the principal ones appointed by the Governor. Many of them must be confirmed by the Senate. Subordinate officers, if any, are usually appointed by the officers here named. Most of the officers here named make reports to the Governor, some of which are printed for free distribution.

Adjutant-General.—The Adjutant-General is the officer through whom the Governor, as Commander-in-

Chief, communicates with the militia. He has the care of the military property of the State and makes an annual report of the militia to the Governor and to the President of the United States.

State Engineer.—The State Engineer has general supervision over irrigation division engineers and water commissioners. It is his duty to measure the amount of water flowing in streams from which water is taken for irrigation.

He is designated by law to do the engineering work in which the State is interested, such as, the location of state ditches, reservoirs and bridges; he is a member of the boards having charge of their construction and inspects them after completion.

Irrigation Division Engineers.—The water districts are grouped into six irrigation divisions,* for each of which an irrigation division engineer is appointed for two years, from applicants who pass an examination set by the State Engineer.

Water commissioners.—The irrigated lands of the State are divided by law into water districts, for each of which the Governor appoints a water commissioner from among persons recommended to him by the county commissioners of the county or counties in which such district lies.

The principal duty of the water commissioner is to divide the water among the ditches according to priority of right. He has power to arrest persons violating his orders in regard to the use of water for irrigation.

Game and Fish Commissioner.—This officer appoints a Superintendent of the State Fish Hatcheries,

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*These divisions are numbered from one to six and are made up of lands irrigated by the following named streams; Division 1, South Platte, North Platte, Big Laramie and some others; 2, Arkansas, South Fork of the Republican, Smoky Hill, Dry Cimarron; 3, Rio Grande; 4, San Juan and part of Grand; 5, Green and part of Grand; 6, White, Yampa and Green.

who has the supervision of all fish cultural matters of the state, receives and distributes eggs and young fish, etc.

The Commissioner's especial duty is to protect the game of the State against those who violate the law by killing game out of season. For this purpose he appoints assistants known as Game Wardens.

Coal Mine Inspector.—It is the duty of the Coal Mine Inspector to inspect each coal mine in the State employing more than ten men, once every three months, to see that the law regarding coal mines is observed. He is expected to investigate and fix the responsibility for accidents occurring in coal mines.

Steam Boiler Inspector.—It is the duty of this officer personally or by deputy to inspect once a year all steam boilers in the State, except in cities having boiler inspectors. Finding a boiler safe, he issues a certificate to that effect good for one year. Boilers condemned by him cannot be used.

Notaries public.—One or more notaries public are appointed in each county. They take acknowledgments and depositions, administer oaths, etc. They are paid by fees.

State Veterinary Surgeon.—This officer investigates diseases of stock, prescribes remedies and precautions to prevent the spread of such diseases, etc.

State Board of Medical Examiners.—This board consists of nine physicians. It issues certificates entitling the holders to practice medicine in the State, to persons having diplomas from medical colleges, to persons who furnish evidence of having practiced for ten years and to others whom by examination it finds qualified.

State Board of Pharmacy.—This board examines and grants certificates to pharmacists and assistant pharmacists. It is unlawful for any person not a registered pharmacist to retail or compound drugs and medicines. This board keeps a register of the pharmacists

and assistant pharmacists of the State and collects from them an annual fee for their certificates.

Similar boards.—Similar boards examine and issue licenses to dentists, trained nurses, barbers, architects, embalmers, horseshoers, engineers and veterinarians.

Board of Inspection Commissioners.—This board appoints and stations cattle inspectors to prevent the illegal slaughtering or shipping of cattle, makes rules for their government, records and publishes stock brands.

State Board of Land Commissioners.—This board has general control of the lands belonging to the State; locates and selects grants of lands, keeps maps, plats and records of the same, and has power to lease state lands or direct their sale.

State Highway.—This Department consists of the Governor, State Highway Engineer and an advisory board of seven. It apportions the state highway fund among the various counties and has general supervision of its expenditure, making rules for the construction and repair of state highways, purchasing and loaning to counties road-making machinery, keeping on file maps of all the roads in the State, etc.

State Board of Corrections.—This board consists of the Governor and six other members appointed by him. This board has power to investigate the management of all public jails, penitentiaries, reformatories, reform schools, infirmaries, hospitals and asylums, and to issue licenses to all private charitable institutions and inquire into their conduct. All plans for buildings for such institutions must be approved by this board.

Other State Boards.—Other state boards are: Capitol managers, in charge of the Capitol building at Denver; Pardons, considering applications for pardons and recommending pardons to the Governor; Military, in charge of the affairs of the state militia; Examiners, examining applicants for state certificates, including

certificates to teach in institutes, and recommending the issuance of such certificates by the State Board of Education; Utilities Commission, regulating rates and service of railroads, telegraph, telephone and light companies, etc.; Bureau of Child and Animal Protection; Health; Horticulture; Immigration; Bureau of Mines; Civil Service Commission; Inheritance Tax Appraisers; Traveling Library Commission, etc.

Other appointed officers.—State Librarian, Printing Commissioner, Dairy Commissioner, Bank Commissioner, State Geologist, Oil Inspector, Commissioner of Mines, Budget and Efficiency Commissioner, State Highway Engineer, etc.

CHAPTER VI.

THE JUDICIAL DEPARTMENT.

Courts of the State.—The judicial power of the State is vested in justices of the peace, county courts, district courts, a Supreme Court and "such other courts as may be provided by law."

The other courts that have been provided are police courts and juvenile courts.

Clerks of courts.—Each of these courts except justices' courts and police courts has a clerk appointed by the judge and holding office during his pleasure. The duties of the clerk are to keep the records, file papers, keep and affix the seal of the court, administer oaths, etc.

Bailiffs.—The Supreme Court, district courts and county courts in larger counties have bailiffs who open and close the court, keep order, attend juries, etc. In other county courts the sheriff or a deputy performs these duties; in justices' courts, a constable; and in police courts, a policeman.

THE SUPREME COURT.

The highest legal tribunal in the State is the Supreme Court.

Supreme judges.—The Supreme Court consists of seven judges who are elected for terms of ten years.

Qualifications.—A supreme judge must be, (1) learned in the law, (2) thirty years of age, (3) a citizen of the United States and (4) a resident of the State for two years preceding his election.

Chief-Justice.—The judge having the shortest term to serve, unless chosen to fill a vacancy, is Chief-Justice.

Vacancy.—When a vacancy occurs on the supreme bench, the Governor appoints a person to fill it.

Salary.—Supreme judges receive $5,000 a year.

Terms of Supreme Court.—Three terms of the Supreme Court are held every year in Denver. The Court may provide for the holding of special terms.

Jurisdiction.—The Supreme Court has power to issue, hear and determine writs of *habeas corpus, mandamus,* injunction, etc. It has original jurisdiction in proceedings instituted to contest the election of any person to the office of supreme, district or county judge. With these exceptions it has appellate jurisdiction only. Appeals lie to the Supreme Court in all cases in which the final judgment or decree amounts to $500, or (2) which involve the construction of a provision of the State Constitution or that of the United States, or (3) which relate to a franchise or freehold, or (4) cases brought up from the county court on writs of error. The Supreme Court exercises general superintending control over all inferior courts.

Licensing attorneys.—No person is permitted to practice law unless licensed by the Supreme Court. That Court may license without examination persons having licenses to practice in other states. Others are required to take an examination. The Clerk of the Supreme Court keeps a record of the attorneys of the State, from which that court may strike attorneys' names for "malconduct in office."

Constitutionality of bills.—When there is a doubt as to the constitutionality of a bill, the Supreme Court is required to give its opinion on the subject when called upon by the Governor, Senate or House of Representatives.

Supreme Court reports.—The decisions of the Supreme Court are very important because they determine finally the meaning and constitutionality of laws. They are therefore printed and offered for sale. All courts of record in the State are supplied with these reports by the State.

THE DISTRICT COURT.

Judicial districts.—The State is divided by law into judicial districts, in each of which one or more judges are elected for terms of six years and a district attorney for four years.*

Qualifications of district judge.—The district judge must be (1) learned in the law, (2) thirty years of age, (3) a citizen of the United States, (4) a resident in the State for two years and (5) an elector in the district for which he is elected.

Vacancy.—Vacancies in the office of district judge are filled by appointment by the Governor.

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*There are fourteen judicial districts: 1. Clear Creek, Gilpin, Jefferson and Arapahoe; 2. Denver, five judges; 3. Las Animas, Huerfano, Prowers, Bent and Baca, two judges; 4. Douglas, Elbert, El Paso, Cheyenne, Lincoln, Kit Carson and Teller, four judges; 5. Lake, Summit and Eagle; 6. La Plata, San Juan, Archuleta, Dolores and Montezuma; 7. Delta, Mesa, Montrose, Gunnison, Ouray, San Miguel and Hinsdale, two judges; 8. Boulder, Weld, Larimer, Adams and Jackson, two judges; 9. Pitkin, Garfield, Fremont, Chaffee, Custer and Park, two judges; 10. Pueblo, Otero, Crowley and Kiowa, two judges; 11. Logan and Morgan; 12. Conejos, Rio Grande, Saguache, Costilla, Alamosa and Mineral; 13. Washington, Yuma, Sedwick, Phillips and Rio Blanco, two judges; 14. Grand Moffat and Routt, two judges.

Salary.—The salary of the district judge is $4,000 a year and a limited expense allowance when outside his own county.

Qualifications of district attorney.—The district attorney must be twenty-five years of age and have the other qualifications of district judge.

His duties.—The district attorney is the attorney for the people in all criminal suits in the district courts of his district, and appears for the State or any county of his district in all other matters before the district court. He appears at all inquests held in his district and in preliminary examinations when felony is charged. He may also prosecute misdemeanor cases upon information before the county court.

Vacancy.—When a vacancy occurs in the office of district attorney, the district judge appoints an attorney to fill it.

Clerk of the district court.—The district judge appoints a clerk of the district court in each county of his district.

Terms of district court.—At least one term of district court is held in each county every year. Special terms may be held when the judge deems it necessary.

Original jurisdiction.—The district court has original jurisdiction in all matters both civil and criminal. It has exclusive original jurisdiction of capital criminal cases.

Appellate jurisdiction.—An appeal may be taken to the district court from any final judgment of the county court including probate matters, except judgments by confession and except in cases appealed from a justice.

Change of venue.—Changes of venue may be taken from the district court to the district court of another district or county.

Selection of jurors.—Jurors are chosen by lot by the clerk of the district court from lists furnished by the county commissioners. In counties of from 40,000 to 100,000 population jury lists are made and jurors chosen by a jury commissioner appointed by the judges. Jurors are summoned by the sheriff and are obliged to serve unless excused by the judge.

Grand jury.—The grand jury consists of twelve men. They hear evidence against accused persons and if nine of them deem it sufficient they advise the court in a paper called an indictment to put the accused on trial. The grand jury is advised by the district attorney, hears no evidence in defense and its sessions are secret.

Petit jury.—A petit jury usually consists of twelve men. Their duty is to hear the evidence on both sides of the cases presented to them and decide the cases according to the evidence and the instructions of the court. The judge explains the law to them. Their decision is called a verdict and requires the consent of every juror. The judge may dispense with the petit jury at any term of court if the business does not require one.

Who are competent jurors.—"All male inhabitants of this State of the age of twenty-one years, who are citizens of the United States or have declared their intention to become such citizens, and who have not been convicted of felony shall be competent to serve as grand and petit jurors." Many persons are exempt by law from jury duty.*

Challenge of juror.—Each party to a suit has a right to reject a certain number of jurors. When this is done without assigning any reason, it is called a peremptory challenge. The number of such challenges is limited.

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*Among those exempt are: county and state officers, judges and clerks of courts, justices and constables, attorneys, persons over sixty, active members of fire companies for five years, members of the Colorado National Guard and those who have served five years in the organized militia, engineers, conductors and superintendents on railroads, pharmacists and persons who have served as regular jurors within a year.

When objection is made to a juror on the ground that he is not qualified or is not a fit person to be a juror in the case, for instance, because of relationship to either party or of interest in the result of the suit, it is called a challenge for cause. There is no limit to the number of challenges for cause.

Fees of jurors and witnesses.—In all courts jurors and witnesses receive pay for their services and mileage.

THE COUNTY COURT.

A county court is established in each county. It is held at the county seat and is presided over by the county judge.

County judge.—The judge must have the qualifications of county officers. He is elected by the voters of the county for a term of four years.

Original jurisdiction.—The county court has original jurisdiction (1) in all matters of probate, that is, proof of wills, settlement of the estates of deceased persons, appointment of guardians, conservators and administrators and the settlement of their accounts, (2) in other civil cases including divorce matters when the amount involved does not exceed $2,000, (3) in misdemeanor cases, (4) in contested elections of county, town and precinct officers, and (5) in criminal cases in which the accused is a minor.

Appellate jurisdiction.—Cases may be appealed from justices' and police courts to the county court.

Jury.—In any suit before the county court either party may have a jury summoned of any number from three to twelve. The law provides that jurors for the county court shall be drawn by the clerk of the district court and summoned by the sheriff. They are however usually summoned by open *venire.*

Record.—The county judge keeps a record of all wills and other documents relating to the settlement of estates, and of the proceedings of his court, which record is open to inspection.

Vacancy.—The county commissioners fill vacancies in the office of county judge.

Clerk of county court.—The county judge may appoint a clerk of the county court or perform the duties of clerk himself.

THE JUVENILE COURT.

The county court, acting as a juvenile court, enforces the law in regard to juvenile delinquents, by which a child under sixteen who violates a law, is incorrigible, is truant from school, habitually wanders the streets, uses improper language, etc., may be required to report to the court from time to time, placed in a private home, or, if necessary, sent to such an institution as the Boys' or Girls' Industrial School.

It also has power to enforce the child labor laws, the compulsory school law, the law requiring parents to care properly for their children, the law by which anyone contributing to a child's delinquency may be punished, and, in general, all laws in regard to children and their relation to school.

To aid it in this work the court has the power to appoint probation officers.

In Denver the Juvenile Court is entirely separate from the county court, having a separate judge.

JUSTICES' COURTS.

Justices' precincts.—The county commissioners divide the county into justices' precincts in each of which justices of the peace and constables are elected.* Their term of office is two years. Each precinct has two justices and two constables.

Powers of justice.—Among the powers of a justice of the peace are:

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*The Constitution provides that in precincts containing 5,000 inhabitants or more the number of justices and constables may be increased by law. In precincts containing more than 20,000 inhabitants the county commissioners may appoint one additional justice and constable for each 20,000 inhabitants.

1. To try civil cases in which the amount involved does not exceed $300, and in which the boundaries or title to real estate are not called in question,

2. To try minor criminal offences, such as, assault, assault and battery, petit larceny, etc.,

3. To hold preliminary examinations of persons accused of offences triable only in higher courts, and, if their guilt is probable, to hold them by bail or imprisonment to await the action of the grand jury, or of the district attorney on information,

4. To perform the duties of coroner in relation to dead bodies when there is no coroner or in case of his inability to act.

Jury.—In suits before a justice either party by advancing the jury fees, may demand to have the case tried by a jury. Thereupon the justice issues a writ, directed to a constable, commanding him to summon a jury, usually of six.

Change of venue.—Venue may be changed to the court of the nearest justice.

Appeals.—Appeals may be taken from a justice's court to the county court.

Duties of constable.—The constable is the executive officer of the justice's court. He makes arrests and preserves the peace.

POLICE COURT.

All cities have police courts—presided over by police magistrates or judges, elected by the city council.

Jurisdiction.—This court has exclusive original jurisdiction in all cases arising under the city ordinances.

Venue—appeals.—No change of venue is allowed. Appeals may be taken to the county court.

CHAPTER VII.

THE COUNTY.

New counties.—New counties are established by the General Assembly in laws defining the boundaries, providing for the election of officers, fixing temporarily the county seat, etc.

Elective county officers.—The elective county officers are: three commissioners, a clerk, sheriff, treasurer, assessor, coroner, surveyor, superintendent of schools and county judge.*

Qualifications.—To be eligible to a county office a person must be a voter and a resident of the county for the year preceding election.

Term.—The county commissioners and county judge hold office four years; the others two years. All are elected in even-numbered years.

County seat.—The town in which the county and district courts are held and the county officers have their offices is called the county seat. The location of the county seat is determined by a majority vote of the qualified electors of the county.

Offices at the county seat.—The county clerk, sheriff, treasurer, superintendent of schools, and the clerk of the county and district courts have offices at the county seat.

COUNTY COMMISSIONERS.

Election.—Counties have three commissioners, two elected in 1904, and every fourth year thereafter, one elected in 1906 and every fourth year thereafter.

Commissioners' districts.—Each county is divided into three commissioner's districts. Each district is

*For duties of county judge see chapter VI.

entitled to one commissioner who must be a resident therein. Commissioners are elected by the voters of the whole county from the districts in rotation.

Chairman.—At the first meeting of the board of county commissioners after the annual election, one of the members is chosen chairman. He presides at meetings of the board, has power to administer oaths, signs all county warrants and bonds and is superintendent of the poor.

Meetings of board.—There are four regular meetings of the board of county commissioners every year. These are held at the county seat on the first Mondays of January, April, July and October. When necessary there are special meetings. All meetings of the board are open to the public.

Powers and duties.—The principal powers and duties of the board of county commissioners are:

1. To care for county property,
2. To levy taxes,
3. To examine all claims and accounts against the county, allow such as are just and issue warrants on the county treasurer for their payment.
4. To divide the county into election and justices' precincts, road and commissioners' districts,
5. To designate voting places and appoint judges of election,
6. To appoint road overseers, a county attorney and certain other minor officers,
7. To appoint persons to fill vacancies in county and precinct offices except that of county commissioner,
8. To lay out roads and alter or discontinue them upon petition,
9. To care for county paupers,
10. To hear and decide challenges to the registration of voters.

Vacancy.—When a vacancy occurs in the office of county commissioner, the Governor appoints a person to fill it.

Pay.—For the purpose of determining the pay of county commissioners the counties of the State are divided into nine classes. The pay of the commissioners in each class is a yearly salary fixed by law, varying from $2400 in the larger counties to not to exceed $400 in class eight. In class nine the commissioners are paid by the day.

COUNTY CLERK AND RECORDER.

Duties.—The principal duties of the county clerk are:

1. To act as clerk of the board of county commissioners,
2. With two justices of the peace to open and canvass the returns of elections,
3. To issue certificates of election to county and precinct officers and to send to the Secretary of State a statement of the votes cast for state and national officers,
4. To furnish all voting places in the county with voting booths and ballot boxes, and to print and distribute the ballots for general elections,
5. To record deeds, mortgages, medical certificates, United States land patents, school district bonds and all "instruments and writings, authorized by law to be recorded in his office,"
6. To issue marriage licenses and keep a record of marriages,
7. To have the custody of the official registry book and make additions to and changes in it as provided by law.

SHERIFF.

Duties.—Some of the important duties of the sheriff are:

1. To have the custody of the county jail and prisoners,
2. To act as the executive officer of the courts of record of the county,
3. To preserve the peace, pursue felons, make arrests and take convicts to the penitentiary.

Posse.—To aid him the sheriff may, when necessary, call on such persons as he sees fit.

Persons summoned to assist the sheriff are called a *posse*. Any male over eighteen years of age who refuses or neglects to assist the sheriff when summoned is liable to a heavy fine.

Deputies.—The sheriff appoints an under-sheriff, or general deputy, and as many deputies as necessary, for whose acts he and his bondsmen are responsible.

TREASURER.

Duties.—The principal duties of the county treasurer are:

1. To receive and keep all money belonging to the county, and pay it out on order of the county commissioners, or otherwise as directed by law,

2. To collect the taxes.

3. To make a monthly payment to the State treasurer of all money due the State.

ASSESSOR.

Duties.—The principal duties of the assessor are:

1. For the purposes of taxation, annually to assess, or fix a value upon all the taxable property in the county at its full valuation except such as the law requires the owner or State Tax Commission to assess,

2. To compute all taxes,

3. To make and deliver to the county clerk lists of persons in the county liable to militia service.

CORONER.

Duties.—1. The coroner with the aid of a jury of six, inquires into the cause of the death of any person dying within the county by unlawful means or the cause of whose death is unknown and orders or issues warrants for the arrest of any person suspected of being criminally connected with such death.

2. He acts as sheriff when there is no sheriff, when the sheriff is a party to a suit and in certain other cases.

SURVEYOR

The duty of the county surveyor is to execute surveys within the county when called upon and to keep a record of them.

SUPERINTENDENT OF SCHOOLS.

Duties.—The most important duties of the county superintendent of schools are:

1. To apportion the general county school fund among the districts of the county,
2. To visit each school in the county at least once during each quarter that it is in session, and to see that teachers and school officers obey the law,
3. To make an annual report of the condition of the schools of the county to the State Superintendent,
4. To hold examinations of applicants for teachers' certificates, and to issue certificates to such as are qualified.

ROADS.

Road districts.—The county commissioners divide the county into road districts.

Road overseers.—The county commissioners appoint for each of these road districts, a road overseer, whose duty it is to keep the roads of his district in repair.

Property tax for road purposes.—The county commissioners levy a property tax for road purposes. They set apart a just proportion of the tax levied upon city and town property to be expended by the city or town authorities upon streets and alleys. The remainder of the proceeds of this tax is apportioned among the road districts of the county by the county commissioners and is paid out only on their order.

Road poll-tax.—Every able-bodied man except residents of towns and cities, between the ages of twenty-one and forty-five, is required every year either to work on the roads two days or to pay the road overseer of

his district a road poll-tax of $2. Town and city authorities have power to levy a road poll-tax.

The construction and maintenance of roads is passing rapidly from the county to the State.

CHAPTER VIII.

THE SCHOOL DISTRICT.

Classes of school districts.—School districts are divisions of counties erected into municipal corporations for the support of public schools. There are three classes. Those of the first class contain more than one thousand children of school age, that is, between the ages of six and twenty-one. Districts of the second class contain from three hundred and fifty to one thousand children of school age. Districts of the third class are those having fewer than three hundred and fifty children of school age.

Directors.—The officers of a school district are called directors. Districts of the first class have five directors; those of the second and third classes have three. Denver has seven directors.

Qualifications of voters.—In order to vote at a school election a person:

1. Must be twenty-one years of age,
2. Must be a citizen of the United States,
3. Must have resided in the State one year, in the county ninety days and in the school district thirty days, next preceding the election.

In districts having more than 3000 children of school age, voters must be registered.

School election.—School elections are held the first Monday in May; in second and third class districts, every year; in first class districts in odd-numbered years.

Term of directors.—In second and third class districts directors serve three years; in first class districts, six years. In first class districts in 1915 two directors

were elected; in 1917, one director was elected; in 1919 two directors were elected. Every six years from the above dates the same number of directors will be elected.

In second and third class districts treasurers' terms expired in 1918, secretaries' terms in 1919 and presidents' terms in 1920.

Officers of school board.—The officers of a board of directors are a president, a secretary, and a treasurer.

President's duties.—The president presides at all meetings of the board and of the voters of the district, signs all bonds and orders for money and represents the district in law suits.

Duties of secretary.—The principal duties of the secretary are:

1. To keep a record of all proceedings of board and district meetings,

2. To take or cause to be taken annually a census of all the children of school age in the district,

3. To make out and file with the county superintendent annually a report of the affairs of the district.

Powers and duties of school board.—The principal powers and duties of the school board are:

1. To employ and discharge teachers,

2. To fix the length of the school term, which must be at least six months in every year, and of the daily session which must not exceed six hours,

3. To determine on the course of study, the text-books and the rates of tuition,

4. To certify to the county commissioners the rate of special school tax,

5. To order the levy, if they think best, of a tax of one-tenth of a mill for the support of a library.

When directed by a vote of the district, they (1) furnish free text-books, (2) issue bonds.

In districts of the first class boards can establish for pupils of any age special schools teaching any subject. They also set the examinations and issue certificates to teach, good only in their own districts.

The school board in first and second class districts can buy or sell school lots and build or remove school houses. In third class districts, a vote of the people is required.

Vacancy.—When a vacancy occurs in the board of directors in second and third class districts, the county superintendent appoints; in first class districts the board elects.

REVENUE OF SCHOOL DISTRICT.

State school fund.—The United States granted to Colorado when it became a state, sections sixteen and thirty-six of every township for the support of common schools. The money received from the sale of this land, together with escheats and gifts for the purpose, makes the state school fund. It is invested and the interest only is used. The interest together with the money arising from the leasing of school land is divided semi-annually among the counties in proportion to the number of children of school age they contain.

County school fund.—The money received by a county from the state school fund and from the county school tax together with certain fines and forfeitures, makes the general county school fund. This is divided among the districts of the county in proportion to the number of children of school age they contain.

County school tax.—The county commissioners levy every year a tax on all the taxable property in the county, of at least two and not more than five mills, for the support of the schools of the county.

Special school fund.—The board of directors of each district certifies annually to the county commissioners the number of mills on the dollar that it will be neces-

sary to levy in their district in addition to the county tax. This when collected is known as the special school fund of that district.

ORGANIZATION OF NEW DISTRICTS.

From organized territory.—To organize a new school district from a portion of one or more old ones, the parents of at least ten children of school age residing within the limits of the proposed new district petition the county superintendent, giving the boundaries of the proposed district and the names of all the children of school age therein. If the county superintendent thinks it for the best interests of the districts concerned, he directs an election to be held in the proposed district to decide whether or not the district shall be organized. If at such election two-thirds of the voters favor organization, they proceed to elect three directors, who serve till the next regular school election, when three directors are elected, one for three years, one for two years and one for one year.

From unorganized territory.—People living on unorganized territory can organize a school district without a petition and by a majority vote.

CHAPTER IX.

TOWNS AND CITIES.

Incorporation.—Upon petition of at least thirty land-owning electors of any part of a county not already incorporated, setting forth the boundaries, name and population of a proposed town or city, the county court appoints five commissioners, who hold an election therein. If a majority vote for incorporation, the commissioners, after proper notice, hold another election at which town officers are chosen, which completes the incorporation.

Classes of cities and towns.—There are three classes

of cities and towns. Those having fifteen thousand inhabitants or more are cities of the first class. Those having more than two thousand and less than fifteen thousand are cities of the second class. Those having two thousand or less are incorporated towns.

Mayor and council.—The powers of a city or town are exercised through a mayor and city council or board of trustees, and other officers.

Powers.—The powers of a town or city government are similar to those of a county or school district. Thus the mayor and council have charge of city property, levy taxes, make appropriations, etc. As the powers of municipal corporations are granted for the safety, comfort and well-being of the people, more extensive powers are necessary where many people are gathered in a small territory. Accordingly town and city governments are given powers which are not necessary to the school district or county.

Among these powers are:

1. To build sewers,
2. To establish gas and water works,
3. To provide police and fire departments,
4. To make regulations concerning streets, sidewalks, parks, etc.,
5. To preserve the public health by abating nuisances, by inspection of food, building material, steam boilers, etc., by regulating the storage of explosives, establishing fire limits, etc.,
6. To appoint or provide for the election of such subordinate officers, not provided by law, as they deem necessary.

Ordinances.—The regulations made by a city council or town board of trustees—city or town laws—are called ordinances.

Pay of city and town officers.—The pay of city and town officers when not fixed by law is fixed by the council or board of trustees.

OFFICERS OF CITIES.

Mayor.—The mayor is elected bienially. He presides over the council, sees that the ordinances are enforced, has a sheriff's power to keep the peace, and can remit fines.

Aldermen.—The city council divides the city into wards each of which elects aldermen biennially; in first class cities, one; in second class, two. The aldermen make up the city council.

Other officers.—In cities of the first class the voters elect a clerk, treasurer, auditor, attorney and engineer; the council elects a police judge; the mayor and council appoint the police. In cities of the second class the voters elect a clerk and treasurer; the council elects an attorney, engineer, street supervisor and such other officers as they see fit.

TOWN OFFICERS.

Mayor.—The mayor is elected annually and presides over the board of trustees, having a vote only in case of a tie.

Trustees.—Three trustees are elected by the voters of the town every year for terms of two years.

Other officers.—The board of trustees appoints or provides for the election of a recorder or clerk, a treasurer and attorney, and appoints a marshal. Vacancies are filled by the board.

THE CITY AND COUNTY OF DENVER.

The City and County of Denver was established by the adoption of the twentieth amendment to the Constitution in 1902. It adopted a charter in 1904 under which it was governed until 1913 when it adopted a commission form of government, which was replaced in 1916 by an elective city manager form.

COMMISSION FORM OF GOVERNMENT.

Under the twentieth article of the Constitution and

its amendments, several cities of the State have adopted the commission form of government in which the entire government is vested in five commissioners, one of whom is mayor, the five constituting the legislative department of the city government. Each commissioner is at the head of a department, such as, Finance, Safety, etc. Under this form of city government the people in a charter adopted by popular vote decide what officers they will have, their duties, terms, pay, etc.

What this chapter says about town and city officers does not apply to cities under commission form of government. Neither does it apply to the few cities still governed under special charters granted by the legislature before Colorado became a state.

CHAPTER X.

STATE INSTITUTIONS

Boards of control.—The educational, charitable, reformatory and penal institutions of the State are under supervision each of a body of persons called the board of control, commissioners or trustees. Excepting the Regents of the State University, the members of these boards are appointed by the Governor, most of them with the consent of the Senate. The State Hospital, the Penitentiary and the Reformatory are all under the control of one board, the State Board of Corrections.

Revenue.—The educational institutions and some of the others receive the proceeds of direct taxation on the assessed valuation of all the taxable property in the State. The State University has the largest revenue, the proceeds of a tax amounting to nearly one mill on the dollar. The Agricultural College gets some revenue from the United States and from the sale of State lands. The needs of the other institutions are met by direct biennial appropriations. The earnings of an institution are used for its benefit.

Powers of boards.—These boards have in general the power of making regulations for the government of their respective institutions, of appointing professors and officers and fixing their salaries, and of expending the appropriations and revenue.

Reports.—These boards or some of their officers make an annual or biennial report to the Governor or Superintendent of Public Instruction.

Tuition.—At all the educational institutions the tuition is practically free to citizens of Colorado.

THE UNIVERSITY OF COLORADO.

Location.—Boulder.

Object.—Its object is to provide the "best and most efficient means of imparting to young men and women, on equal terms, a liberal education and thorough knowledge of the different branches of literature, the arts and sciences, with their varied applications."

Board of Regents.—The University is under the control of a board of six regents elected by the people of the State. Two regents are elected every second year (at general election of State officers) for terms of six years.

THE AGRICULTURAL COLLEGE.

Location.—Fort Collins.

Object—Its object is to afford "thorough instruction in agriculture, and the natural sciences connected therewith."

Board of control.—The State Board of Agriculture has general control and supervision of this institution. It elects a secretary.

Secretary's duties.—The secretary collects information in regard to agriculture, keeps records of the transactions of the board and college, distributes seeds and plants, makes up the annual report, etc.

Fort Lewis School.—The Fort Lewis School of Agriculture, Mechanic and Household Arts, in La Plata

County is under the same management and has the same general purpose as the Agricultural College.

STATE SCHOOL OF MINES.

Location.—Golden.

Object.—Its object is to provide instruction in mining, metallurgy, engineering, assaying, geology, etc.

STATE TEACHERS COLLEGE.

Location.—Greeley.

Object.—The purpose of this institution is "instruction in the science and art of teaching," and "in such branches of knowledge as shall qualify teachers for their profession."

The diploma of the State Teachers College entitles the holder to teach anywhere in Colorado and is a life certificate.

The State Normal School at Gunnison is under the same management and has the same purpose as the Teachers College.

SCHOOL FOR DEAF AND BLIND.

Location.—Colorado Springs.

Object.—Every blind or deaf and dumb citizen of the State over six and under twenty-one years of age is entitled to receive an education in this school at the expense of the State. Persons over twenty-one may be admitted at the option of the board of trustees. If parents are able to pay for the support of their children at this institution, they are required to do so.

THE STATE HOSPITAL

Location.—Pueblo.

Object.—The object of this institution is the treatment and cure of insane persons.

Inquest of lunacy.—The process by which a person is declared insane is called an inquest of lunacy. In

every county the county judge appoints a lunacy commission consisting of two physicians. Upon complaint to the county court by a reputable person alleging that a person is so insane as to be incapable of caring for his property or as to endanger persons or property, the county judge refers the case to the lunacy commission and acts upon their finding. Appeal may be taken from the finding to a jury. If the lunatic has property, the court appoints a conservator to manage it. The income of such property is applied to the support of the lunatic and his family. Lunatic paupers are entitled to state support.

STATE INDUSTRIAL SCHOOL.

Location.—Golden.

Object.—Boys between the ages of ten and sixteen convicted of offenses punishable by fine and imprisonment for a shorter term than for life, may be sentenced to this school for their minority.

The board of control may discharge or parole a boy when he has so far reformed as to justify it.

The boys of the Industrial School receive instruction in the common branches and in trades and are required to do a certain amount of work.

A similar institution for girls is located near Morrison.

STATE REFORMATORY.

Location.—Buena Vista.

Object.—The purpose of this institution is the punishment and reformation of such males between the ages of sixteen and thirty, convicted of felony and misdemeanors the punishment of which is imprisonment for more than ninety days and less than life, as the courts see fit.

Sentences to the Reformatory are indeterminate, that is, not for a definite term.

THE PENITENTIARY.

Location.—Canon City.

Warden.—The warden is appointed by the Governor and Senate for a term of two years. Under direction of the board of commissioners, he has general charge and supervision of the penitentiary. He appoints turnkeys and guards, enforces discipline, etc.

Chaplain.—A chaplain conducts religious exercises in the penitentiary and performs other duties.

SOLDIERS' AND SAILORS' HOME.

Location.—Monte Vista.

Object.—This institution is "for the care and treatment of honorably discharged soldiers, sailors and marines," who served in the Union army or navy in the Civil War or in the war with Spain. To be received, an applicant must have been a resident of Colorado for a year preceding his application, or a member of a Colorado regiment in the Civil War.

OTHER STATE INSTITUTIONS.

Other state institutions, whose titles indicate their purposes, are: State Home for Dependent and Neglected Children at Denver; State Home and Training Schools for Mental Defectives, one near Arvada, and one at Grand Junction; and the Industrial Workshop for the Blind at Denver.

CHAPTER XI.

ELECTIONS.

Qualifications of voters.—In order to vote, a person:

1. Must be over twenty-one years of age,
2. Must be a citizen of the United States,
3. Must have resided in the state one year, in the county ninety days, in the city or town thirty days and in the ward or precinct ten days, next preceding the election.

Naturalization.—The Constitution of the United

States defines a citizen of the United States to be "a person born or naturalized in the United States and subject to the jurisdiction thereof." It also gives Congress power to prescribe a uniform rule of naturalization. This Congress has done. To become a naturalized citizen a foreigner must reside in the United States five years. At least two years before admission to citizenship, he must declare under oath before a competent court,* his intention of becoming a citizen and renounce his former allegiance. When finally admitted he must prove his five years residence in the state or territory where he then is, take an oath of allegiance to the United States and again renounce his former allegiance.

Registration of voters.—The county clerk keeps a permanent register of the voters of precincts wholly or in part within the limits of cities. Upon this is entered the name, address and description of each voter. Voters must be registered fifteen days before election.

In other precincts, the judges of election sit as a board of registry and make a list of persons qualified to vote. A copy of this list is posted in a conspicuous place and voters whose names are not on this list can have them inserted.

No one is allowed to vote unless his name is on the registry list.

Privileges of voters.—Voters cannot be arrested during their attendance at elections or in going to or returning from them, except for treason, felony or breach of the peace.

Challenge of vote.—The vote of any elector may be objected to or challenged. The person challenged is required under oath to answer certain questions and to take an oath affirming his qualifications. The judges may still reject his vote if they believe him disqualified.

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*The courts before whose clerks this and the final oath may be taken are:
Circuit or district courts of the United States; district and supreme courts of territories; and courts of record of any state, having a common law jurisdiction and a clerk and seal.

One challenger of each of the leading political parties is allowed within each polling place.

Challenges may be made against the registration with the county clerk These must be made in writing, the persons challenged are notified, the county commissioners decide the cases.

Kinds of elections.—Elections are regular and special. Regular elections are those occurring periodically at fixed dates. Special elections are held to fill vacancies in certain offices, and in other cases where it is necessary to refer important questions to the people for immediate decision. The regular elections are the general election, town or city election and school election. For school election see Chap. VIII.

Notice of elections. Notice of elections must be given by town, city and county clerks, by the publication in newspapers and posted notices, of the date of the election, names of offices to be filled and the questions, if any, to be voted on. The names of all candidates are also published.

Nominations.—All nominations for office must be made under the provisions of the direct primary law except for officers of incorporated towns, for presidential electors, and in special elections to fill vacancies.

Political parties whose candidates at the last general election received at least ten per cent of the vote, may have their candidates' names placed on the primary ballot either by petition, three hundred signers being required in the entire State and ten per cent of the voters in smaller divisions, or, by nomination in assemblies. In these assemblies, or conventions, only one vote is taken on the candidates for each nomination and all candidates receiving ten per cent of the vote are certified and their names appear on the primary ballot.

On the second Tuesday of September the direct primary election is held in each precinct. It is conducted by the regular election officials at public expense. The voter votes as at the regular election. The candidates receiving the highest vote in each party have their

names printed on the regular election ballots. In precincts where 200 or more votes are cast, three extra judges called counting judges, are appointed.

Candidates who do not wish to run under any party name may have their names placed on the ballot for the regular election by petition.

All nominations either by petition or by certificate of assembly for both primary and regular elections are filed with the city clerk for city elections, with the Secretary of State for all divisions larger than a county and all others with the county clerk.

Ballots.—All ballots are printed and delivered at public expense. Towns and cities pay for those used in municipal elections and counties for all others. Town, city and county clerks have charge of the preparation and distribution of ballots. The names of candidates for each office are arranged alphabetically each followed by the name of the political party nominating him.

Preferential ballot.—Cities working under commission form of government have the preferential ballot. By this the voter expresses one first choice, one second choice and as many third choices as he pleases. If no one has a majority on first choice, the first and second choices are added and if one candidate receives a majority of the added first and second choices he is elected. If no candidate receives such majority, the third choices are added and the candidate receiving the plurality of first, second and third choices added is elected.

Polling places.—Polling places are supplied at public expense with a guardrail, one compartment or voting booth for each fifty voters in the precinct and a ballot-box.

Only judges, clerks and voters (and interpreters if needed) are allowed within the guardrail.

Appointment of judges.—Every year the county commissioners appoint in each voting precinct three judges of election representing at least two political parties. These judges act at all elections until their successors are appointed. For municipal elections the town trustees or city council appoint the judges.

Duties of judges.—The judges of election have general charge of the polling place and see that the provisions of the election law are complied with. They appoint two clerks to assist them. They proclaim the opening and closing of the polls, superintend the voting and assist illiterate voters. On the closing of the polls they count the votes and certify the result to the city, town or county clerk. They return to him all ballots including those spoiled and unused.

Manner of voting.—The voter gives his name to a judge who calls it out and checks it off the registry list. The voter receives a ballot endorsed with the initials of the judge supplying it. He retires to a booth, marks his ballot and hands it to a judge who numbers it and pastes down the corner covering the number. The voter's name and the number of his ballot are entered on the poll-book. The ballot is handed back to the voter who puts it into the ballot-box and at once leaves the polling place. If a voter spoils a ballot he can have another but no more than three in all.

Miscellaneous provisions.—No soliciting of votes is allowed within one hundred feet of the polling place.

Employes are allowed two hours in which to vote, without loss of pay. The polls are open from 7 a. m., to 7 p. m.

Election day is a legal holiday.

Provision is made whereby a voter who is away from home on election day may vote in the precinct where he happens to be. His vote is sent by mail to be counted by the board of canvassers of his own county.

Statement of election expense.—All candidates and chairmen of committees disbursing money for election expenses must file sworn statements of all moneys paid out for campaign purposes, with the town, city or county clerk. They are published.

General Election.—The general election is held in every precinct in the State on the Tuesday after the first Monday in November in even-numbered years. All elective precinct, county, state and national officers are voted for at the general election.

Municipal election.—The municipal election, at which town and city officers are elected, is held the first Tuesday in April.

CHAPTER XII.

REVENUE.

Assessment.—As soon after January 1 as possible the county assessor is required to deliver to each person of full age and sound mind in the county a blank property schedule or list. Upon this blank each person is required to list all his taxable property with the valuation of certain personal property. He must sign it, swear to its correctness and return it to the assessor. The assessor lists all property which the owner fails to list. He assesses the property so listed except what the owner or State Tax Commission is required to assess.

Assessment roll.—The assessor makes out an assessment roll or book containing in alphabetical order, the names of all persons whose property has been listed, with a description of the property of each and its valuation.

Board of equalization.—The assessment roll is submitted to the county commissioners sitting as a board of equalization. They correct assessments and supply omissions. The county clerk notifies those persons in whose assessments material changes are thus made.

The board of equalization sits again to hear complaints of, and make further changes in, the assessments of such persons.

State Tax Commission.—A State Tax Commission consisting of three members appointed by the Governor and State Treasurer has general supervision over all tax matters, assessing public utilities, such as railroad, telephone, telegraph, express companies, etc., certifying such assessment to the various county assessors. They equalize assessments by adding or subtracting from the assessments as reported by the assessors of the various counties, hear complaints, appraise property in case of dispute, etc. Their final assessment has to be approved by the State Board of Equalization.

Tax-book.—The assessor computes the taxes of each person whose name is on the assessment roll and delivers the tax-book containing a list of the same to the county treasurer with a warrant requiring him to collect the taxes.

Collection.—The county treasurer collects the taxes, keeping an account thereof and charging to each fund the amount belonging to it. The taxes are due one-half February last and one-half July 31. If not paid by August 1 they bear interest at the rate of fifteen per cent. per annum from that date.

Tax sale of personal property.—After August 1 the county treasurer has power to seize and sell personal property for taxes.

Delinquent taxes.—Before August 20 the county treasurer makes out a list of real estate upon which the taxes are unpaid. This is called the delinquent tax list. The treasurer publishes this list and on the second Monday in November sells for taxes real estate upon which the taxes are unpaid. Property thus sold may be redeemed by the owner within three years by payment of the amount for which it was sold, all subsequent taxes, with interest and penalties.

Exemptions.—The following named species of property are exempt from taxation:

1. Property of the United States, Colorado or any municipality,

2. Property used for religious worship, for schools, for charitable purposes, and public libraries,

3. Irrigation ditches, canals and flumes used to irrigate the lands of the owners,

4. Cemeteries "not used or held for private or corporate profit,"

5. The household goods of "every person being the head of a family, to the value of two hundred dollars."

CHAPTER XIII.

PUBLIC INDEBTEDNESS.

Objects.—It is sometimes necessary for the State or a municipal corporation to go into debt for the erection of public buildings, the building of roads, bridges and the like, or, in case of a town or city, for water works, sewers or streets. Money is obtained for these purposes by the issue of bonds.

Bond defined.—A bond is a formal certificate of indebtedness, bearing the seal of the corporation issuing it, issued for a specified purpose and having a limited time to run, with interest payable at stated periods. Bonds are signed by the chief executive of the corporation issuing them, numbered, countersigned by the treasurer and registered usually with the treasurer.

Authorization of bonds.—All bonds except certain refunding bonds must be authorized by a vote of the electors in the case of the State and by a vote of the property tax payers in all other cases.

Refunding bonds.—Refunding bonds are such as are issued in lieu of other bonds, running usually for a longer time at a lower rate of interest. They may be issued in exchange for original bonds or may be sold and the proceeds applied to the purchase of such bonds.

Payment of bonds.—Whenever bonds are issued, an annual levy of taxes must be made to pay the interest and when they become due an annual levy is made to pay them.

Warrants.—Warrants are another form of public indebtedness. The running expenses of government for any year are met by the proceeds of the tax levy of that year. As these taxes are not collected until the next year, it becomes necessary to anticipate them by the issue of warrants or orders. These differ from bonds in not having the seal of the corporation attached, having no definite time to run and being issued without a vote of the people. They usually bear a higher rate of interest which accumulates until they are paid. They are signed by the chief executive officer and attested by the clerk. They must be presented to the treasurer who registers them and endorses them with the statement that there are no funds and that they bear interest from the date of registration. They are paid in the order in which they are registered

DEFINITIONS

Acknowledgment.—An acknowledgment is an avowal, before the proper officer, of one's own act, to give it legal validity—applied to deeds, mortgages and other writings. It is certified to by the officer before whom it is taken.

Administrator.—The person appointed by the county court to manage and settle the estate of a person dying without a will.

Appeal.—To appeal a case is to remove it from a lower to a higher court for re-trial or review. Cases may also be taken up on writ of error.

Assault.—An assault is an unlawful attempt coupled with a present ability to commit a violent injury on the person of another.

Assault and Battery.—"Assault and battery is the unlawful beating of another."

Bail.—A prisoner gives bail when he produces persons who promise in writing to pay into the public treasury a certain sum of money, if he, being liberated, does not appear in court on a day specified. If the prisoner cannot give bail he is imprisoned. The Constitution of Colorado declares all offences bailable, except capital offences in which the proof is evident or the presumption of guilt is great.

Change of venue.—When either party to a suit before a justice makes oath that he believes that he cannot have a fair and impartial trial before such justice, it is the duty of the justice to transmit all

papers and documents in the case to the nearest justice, who tries the suit. In courts of record changes of venue may be taken for reasons assigned in the law, such as; prejudice of the judge or people of a county, interest of the judge in the result of the suit, his relationship to either party, etc.

Civil cause.—A civil cause, case or action is an action for the enforcement of or protection of private rights, or the redress or prevention of private wrongs.

Court of record.—A court of record is a court in which an account of the acts and judicial proceedings of the court is written down and preserved for testimony, and which has a clerk and a seal.

Criminal cause.—A criminal cause or action is an action prosecuted in a court of justice in the name of the people, against one or more persons accused of a crime.

Felony.—Felony is the name for crimes of considerable gravity. In Colorado as defined in the Constitution, it is any criminal offense punishable by death or imprisonment in the penitentiary.

Franchise.—A franchise is a right or privilege, granted by a government (including municipalities) to one or more persons, which does not belong to citizens generally, and which cannot properly be exercised by them without such grant.

Freehold.—A freehold is an estate, or interest, in real property, which may descend to heirs, or is held for the life of the holder.

Habeas corpus.—This literally, "have you the body." The phrase designates the most emphatic words of a writ, issued by a judge or court, commanding a person who has another in custody or in imprisonment, to have his body before the judge or court at a particular time and place, and to state the cause of his imprisonment. The person whether a sheriff, jailer or other person, is bound to produce the body of the prisoner at the time and place appointed; and if the prisoner is illeg-

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ally or improperly in custody, the judge or court will discharge him. Hence it is deemed the great security of the personal liberty of the citizen against oppression and illegal confinement.

Information.—An accusation by which a person may be brought to trial for a crime without indictment by the grand jury. It is filed by the district attorney on his sworn statement or on the sworn statement of another.

Injunction.—An injunction is an order issued by a court requiring a person to refrain from doing a particular thing, or requiring such acts to be done as will give the plaintiff the full protection to which he is entitled—more often used in the former sense.

Judgment.—A judgment is the final determination by a court of the rights of the parties in a legal action or proceeding.

Jurisdiction.—Jurisdiction in its general sense is the power to make, declare or apply the law. When we say that the jurisdiction of the General Assembly or Governor is limited to Colorado, we mean that the laws made by the General Assembly do not apply to, and that the power of the Governor does not extend to, person or things outside of Colorado.

When applied to courts it means the power to hear and decide causes and enforce the decisions.

A court is said to have original jurisdiction in any affairs when suits concerning those affairs may be begun in that court.

A court has exclusive jurisdiction in any affairs when suits concerning such affairs can be begun in that court only.

Two courts have concurrent jurisdiction in certain matters when suits concerning those matters may be brought in either court.

When appeals can be taken from a court to a higher court, the latter is said to have appellate jurisdiction.

Larceny.—Larceny is the wrongful taking of another's personal property, with the intent to deprive

him of it permanently. In Colorado, when the value of the thing stolen is twenty dollars or under, it is called petit larceny.

Misdemeanor.—A criminal offence less than a felony punishable by fine or imprisonment in the county jail.

Mandamus.—A writ issued by a court to an inferior tribunal, corporation or person exercising public authority, to compel the performance of an act specified by law as a duty, or to compel the admission of a person to a right or office from which he is unlawfully excluded.

Open venire.—The writ by which jurors are regularly summoned is called a *venire facias.* When this writ directs the sheriff in his discretion to summon jurors it is called an open venire.

Personal property.—This term includes everything subject to ownership except real estate.

Plaintiff.—The person who commences a suit to obtain a remedy for an injury to his rights.

Real estate.—This term includes land and whatever is growing or erected upon it with whatever is beneath the surface.

Summons.—A summons is a writ commanding the sheriff or other authorized officer to notify a certain person or persons to appear in court on a day specified and for a purpose named in the writ.

Writ.—A writ is a writing issued from a court and bearing its seal, commanding a person to do or not to do a certain thing.

Writ of error.—A process issued by a court of appellate jurisdiction to a court of record requiring such court of record to send the record of an action upon which final judgment has been entered, to the appellate court in order that certain errors alleged to have been made may be examined and the judgment corrected, reversed or affirmed.

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THE HISTORY OF COLORADO

By EUGENE PARSONS

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The first inhabitants of what is now Colorado are supposed to have lived in the San Juan country and the region to the south and west of it four thousand years ago. We do not know much about them. The prehistoric men of primeval Colorado were probably nomad hunters who slept in caves. They were pretty low down in the scale of humanity. They were savages. It may be conjectured that their ancestors came from the Pacific Coast, which was settled many thousands of years ago by men from Asia. As time passed, some of the California tribesmen roamed eastward. In the course of countless years the continent was populated as far as the Atlantic by a race known as Indians, who are also called aborigines. This theory of the settlement of North America seems plausible.

Some tribes of Indians remained wandering savages from age to age down to our time. They ranged widely in summer; they had a stationary camp in winter. Other tribes (or clans) settled down and built more or less substantial dwellings called pueblos or communal villages, also small isolated houses. Some of these habitations had tiny rooms, used chiefly for sleeping. The villagers cultivated fields nearby, raising crops of maize, beans, melons, pumpkins, squashes and other vegetables. As they had no horses or oxen and no metal implements, their agriculture must have been rather primitive. Kernels of corn were planted with a pointed stick.

In pre-Columbian times a sedentary, agricultural people, numbering perhaps hundreds of thousands, occupied the Southwest from Nevada to Oklahoma, including portions of Utah and Colorado. The ruined abodes of these prehistoric farmers, their weapons, their implements, their pottery and other remains tell of what was and is no more. The crumbling monuments of this gentle, progressive people may be seen in the valleys and canons of the Mesa Verde. Traces of them have been found as far east as Pagosa Springs,

and they made scattering settlements as far north as Montrose County near the Utah Line. They were in southwestern Colorado a thousand years ago, possibly longer. Their origin, like their disappearance, is shrouded in mystery.

These ancient Americans, who farmed or, rather, gardened in southwestern Colorado had four principal types of buildings: (1) peaceful homes built on the ground, pueblos erected in the fertile lowlands; (2) kivas (or estufas), temples and towers, used for religious purposes and for council-chambers, also as a lounging place for the men in winter and perhaps as a retreat for women in midsummer seeking to escape from the extreme heat; (3) houses built high up in the cliff walls of the canons, places of refuge in time of attack, strongholds, also cave-like receptacles hollowed out of the rocks in which to store food supplies; (4) fortified rocks, watch towers, and other defensive works, with walls a foot thick or more and quite lofty, some towers being three or four stories high.

The fortresses and towers and other stupendous structures in the cliffs are more modern than the valley homes; they may have been built five or six hundred years ago; they were places of refuge when danger threatened, for these ancient agriculturists were at times attacked and robbed by savages, the ancestors of the Utes and other warlike tribes. These mighty citadels were constructed far up in the craggy sides of the gorges and were difficult of access.

To the west of Durango are the most imposing ruins to be found anywhere in the United States. These majestic monuments of a far away past strike the beholder with amazement. Some of these heaps of stone buildings were once habitations of three or more stories in height. Many well preserved dwellings are perched on ledges or in niches of the cliffs hundreds of feet above the bottom of the canon. The inmates climbed up by narrow stairways cut in the steep, rocky approaches,

or they used log ladders, which were afterward drawn up. Immense overhanging rocks served as roofs and prevented access from above. Some of the most impressive of these architectural marvels are the Cliff Palace (discovered in 1888), Spruce Tree House, Balcony House, Peabody House, etc. These communal houses or villages, now left solitary and desolate, once sheltered hundreds of inmates. Because of these unique edifices, a considerable area of this wonderland was set aside by the United States government as a National Park, in 1906. It is a magnificent recreation ground.

An unfinished structure, uncovered in 1915, is supposed to have been a Sun Temple. This mute relic of a vanished race was evidently a place for worship. These peace-loving, industrious folks were very religious. They worshipped the Sun and chanted incantations to the raincloud, which they regarded as sacred. They made votive offerings to a spring, for water was then, as now, very precious in this semi-arid country.

Who were they? They are variously called "town-building Indians," Pueblos, Cliff Dwellers and Aztecs. The latter name has been objected to, because their Aztec origin is not established beyond a doubt, although a mass of evidence points in that direction. May there not have been some among them who were descendants of civilized Toltecs?

Whence came they? Tradition tells of migrations of Mound Builders of the Mississippi Valley to the Southwest from twelve to fifteen hundred years ago; some of these adventurous wanderers, it is said, continued their course into Old Mexico, and founded the Aztec Empire in the Valley of Anahuac, while others of this mysterious race settled in what is now Oklahoma and gradually worked their way westward into New Mexico, Arizona, Nevada, and northward into Colorado and Utah. This hypothesis is by no means well established. Another theory is that the former inhabitants

of southwestern Colorado were the descendants of Mexican Indians who originally moved northward and formed settlements in New Mexico and neighboring commonwealths. That this earth-burrowing people of the Mesa Verde descended from the cave men living in the San Juan thousands of years ago is very improbable. Possibly further researches will throw light on the origin of the Cliff Dwellers of southwestern Colorado, who were likely related to the Cliffers of Utah and may have been cousins or half cousins of the ancestors of the Pueblos living in New Mexico and Arizona to-day.

A pathetic interest attaches to the fate of the old Cliff Dwellers. They vanished from the face of the earth centuries ago. One supposition (or speculation) is to the effect that the former inhabitants of southwestern Colorado and their neighbors occupying the extended plateau watered by the Colorado River and its tributaries received a sudden call from Montezuma and loyally responded to save the Aztec Empire from the Spanish invaders. If this be true, the men who went to the aid of Montezuma presumably all perished. According to one story, handed down by the Hopis from father to son, the peaceful husbandmen of the Mesa Verde were attacked by bands of predatory Utes from the North, who devastated the farms of the Cliffers and massacred them. The men bravely kept their foes at bay while the women and children fled by night to the desert uplands of northeastern Arizona, where the remnants of the clan found new homes on the summits of lofty tablelands, accessible only by steep paths. There may be a basis of fact in the tradition. The Hopis, of all Indians of to-day, are without doubt most like the Cliff Dwellers of southwestern Colorado in the fifteenth century. Perhaps it would be nearer the truth to say that the fugitives found homes among the Hopis, the widows and daughters of the Cliff Dwellers intermarrying with Hopi men, thus producing a composite

race. Another conjecture may be presented for what it is worth. It is believed that certain localities were deserted by the Cliff Dwellers because of the scarcity of water, due to change of climate. The destruction of forests by these very people may have caused springs and streams to dry up. It is probable that the rainfall then, as now, was rather scanty at these great altitudes, from six to eight thousand feet above sea level. So an exodus of the Cliffers from these sections took place when the struggle of life became too difficult. The thirsty land must be irrigated.

The history of the Cliff Dwellers can never be written, because they left no writings other than pictographic records (or rock inscriptions), which may be described as no more than fragments of chronicles. They had no alphabet. Possibly some of the symbols painted on earthenware conveyed a meaning. Like the Aztecs of Old Mexico, they had no literature.

Our conclusions respecting these prehistoric inhabitants of Colorado are subject to revision, and yet we know a good deal about them. Indian traditions respecting the Cliff people doubtless have some value. Jackson (who discovered ruined domiciles in Mancos Canon in 1874), Holmes, Fewkes, Chapin, Nordenskiold and other explorers have told us much concerning these sedentary agriculturalists.

What manner of men were they? The Cliff Dwellers were the highest type of Indians in our country of whom we have learned anything. They had reached a cultural plane far above that of the Navajoes. Undoubtedly they influenced the Navajoes, giving them an impetus in the direction of civilization.

The Cliff Dwellers had a sense of beauty that expressed itself in the decoration of ceramic work. They were artistic in decorating pottery. Says Holmes: "The pottery of the ancient tribes of the San Juan Valley is undoubtedly superior in many respects to that of the town-building tribes of to-day. It is es-

pecially superior in composition and surface-finish." Some of the ornamental designs are of intricate patterns and beautiful. One that has been discovered has a metallic luster. According to Nordenskiold, these agricultural Indians "had attained a very high rank in the art of making and ornamenting pottery." The first persons who visited the ruins of the Mesa Verde and adjoining districts, in the '70's and '80's, came across or dug up many broken pieces of pottery, embellished with paintings of flowers and quaint figures in bright blue colors. There are some elaborate mural paintings, the designs representing geometrical figures, rainclouds, human beings, animals, grotesque creatures, etc.

These ancient craftsmen showed taste and skill in making baskets and in weaving fabrics of cotton and yucca. Besides clothes, they had belts, headbands and matting. They fashioned cups with handles, bowls, jugs, etc. Gourds were used to carry water. Among other tools they had stone hatchets, used in cutting down trees and trimming them for beams.

The former builders of southwestern Colorado excelled all other American Indians in architecture, surpassing the Mound Builders and the Pueblos of New Mexico and Arizona. The walls of massive buildings were for the most part of sandstone or limestone, very little adobe being used. The mortar was rubbed smooth with the hands. According to Holmes, the ruins along Aztec Spring Creek, south of Cortez, form the most imposing pile of stone buildings found in Colorado up to 1876. The group of houses covers an area of about 48,000 square feet, there being about 1,500,000 solid feet of stone work. "The walls of Cliff Palace," says Fewkes, "present the finest masonry known to any cliff-dwelling and among the best stone work in prehistoric ruins north of Mexico." Chapin expresses the view that its discoverer, Richard Wetherill, "did not exaggerate the beauty and magnitude of this strange ruin," when he named it "Cliff Palace."

The masonry of secular rooms in most cliff buildings is inferior to that of kivas, which were intended for floors of dwellings were formed of clay tramped down; ceremonial purposes, especially religious rites. The the kiva floors were sometimes of rock. The kivas are generally sunken, subterranean apartments, circular or oval in shape, with an opening at the top. Besides its fireplace and slab of rock called an altar, the kiva has a hole in the floor named **sipipu**, said to be a symbolic opening into the underworld. Mysterious characters were marked on the walls of some kivas. These hieroglyphics likely have a religious significance, or did have to the initiated. The ancient builders realized the importance of a kiva so much that it was sometimes the first building erected in a new settlement.

In some respects the villagers of the Mesa Verde were no better than some of the nomad savages of the country to the west of the Missouri. Their religious beliefs seem to have been practically the same. The Cliff Dwellers had idols, rude images of the sun god and the earth goddess. One fetish in the form of a human being has been found. Figures of the cross and swastika were traced in pottery designs, and rock etchings of totems have been found among other pictographs. The priest, like the chief, was a man of more than ordinary importance in the community. The bodies of priests and chiefs were buried with vases of food close at hand, while people of the poorer class were cremated.

With all the advancement made by the Mesa Verde people in the arts, especially in architecture, they had a rather narrow mental horizon. They believed in a life hereafter. They had some music to lighten and cheer their rather colorless, monotonous lives. They amused themselves in various ways, with games and dances, and they frequently engaged in religious rites. They took life seriously. It was a struggle, and yet it

meant more to the villager artisan or farmer than to the nomad Ute or Apache; it was not so animalistic.

The men had their work, and the women theirs. Cooking was done in the open air, fires being lighted for the purpose in a plaza or on the southeast side of a building. They baked corn bread, the kernels of maize being ground on flat stones called **metates**. The men were of medium height, and their lithe, supple bodies were capable of great endurance. The women were rather small.

The contrast between the Cliff Dwellers and the roaming redskins may be carried still further. The town-building Indians had permanent abodes, while the nomad tribesmen lived in tepees. The Cliffers were peaceable, somewhat refined. They were monogamists. The status of their women was much higher than that of the squaws among the wild tribesmen, who were polygamists. The wives of the Cliff Dwellers did the lighter kind of work. Both sexes, however, led laborious lives.

While a majority of the old Cliffers were artisans and farmers, there were some adventurous spirits among them who wandered far and hunted. They were not "mighty Nimrods," however. They had bows and arrows and lances, which they used to kill deer and antelope and other big game. They snared wild animals, and used nets to catch fish and birds. They caught waterfowl by stratagem, a man wearing a pumpkin mask waded in a river or lake up to his neck and dragged the birds by the legs under water one by one. They were not so great sportsmen as the wild Indians. As a Hopi legend runs, the Cliff Dwellers "lived by agriculture rather than by the chase." They ate nuts and berries and other wild fruits, but their main dependence for a living was upon the products of the soil. These ancient Coloradoans farmed, on a small scale, by irrigation; they dug canals, bringing water from rivers and storing it in reser-

voirs against the day of drouth. A great gulf, however, yawned between the Cliff Dwellers and the Pike's Peakers.

Pitiful is the tragedy of a nation. The Cliff Dwellers went under because of the lack of "military preparedness." They were more numerous than the Utes, but not so warlike. They were for the most part men of peace, not fighters. They were gentle, not timid. They fought long and well for their country. Time and again they repelled the onset of their foes. When the supply of arrows and lances was exhausted, they used clubs to beat back their remorseless assailants trying to climb up to the cliff dwellings, which clung like swallows' nests to the walls of precipitous canons. The Utes were stronger and bigger physically; they were better warriors, war being their chief occupation when not hunting. The Cliffers put up an ineffectual resistance against their ravaging enemies. It was a losing struggle. They only staved off the day of doom by building fortresses in the cliffs. Finally discretion seemed the better part of valor, and the cliff people fled. It was a case of the survival of the strongest, not the fittest.

As to the length of time this unnamed people lived in southwestern Colorado, there is room for difference of opinion. There are those who think that Aztec clans occupied the Mesa Verde or adjoining valleys a thousand years, from 700 to 1700 A. D.

That sedentary Indians inhabited the Arkansas Valley in prehistoric times and farmed by irrigation, as has been claimed, is a matter to which archeologists have not as yet given much attention. Says Fossett, in his handbook on Colorado (1876), p. 58: "Evidences have been discovered to show that Buckskin (in Park County) has been inhabited in the dim past by a people superior to the Indians, probably by that clan who, at an early day, built their cities in the cliffs of the mountains of Mexico."

It is idle to make such conjectures until archeologists who have studied the remains of Pueblo architecture and other relics of the community-habitations found in the Southwest shall have thoroughly investigated the subject.

THE WILD INDIANS OF COLORADO

No one knows when the Utes first made the mountain valleys of Colorado their stamping ground. It was certainly a long while ago; perhaps before the tenth century. They are of Shoshonean stock. They have always been courageous and aggressive, though not so formidable fighters as some of their hereditary enemies of the plains.

The Kiowas are comparatively recent comers to Colorado, which was their habitat for nearly two hundred years, although they ranged widely, from Canada to central Mexico, from Arizona to southern Texas. The upper Arkansas Valley and the plains of eastern Colorado were their hunting grounds early in the eighteenth century. According to one account, bands of Kiowa warriors made raids into New Mexico, where they stole horses, so long ago as 1682. The Kiowas were formerly supposed to belong to the Shoshonean family, but lately have been placed in a class by themselves, because of the fact that their language has apparently no linguistic affinities with the tongues of other tribes that lived near them about the headwaters of the Columbia and Missouri Rivers. They are quite likely cognate with some of these tribes. Their original home was in the Northwest, for they have a tradition of coming from over the mountains. They crossed the Montana Rockies several centuries ago, and later drifted south on the Eastern Slope. Because of their unruly and bloodthirsty dispositions, the Kiowas figured largely in frontier annals. They continued at war with the Cheyennes and Dakotas until about 1840, when a lasting peace was arranged. The story is told of their making a treaty of friendship and al-

liance with the Comanches in 1790 (or 1795). For some time previous to 1840 (and after) that part of Colorado south of the Arkansas was Comanche country. After that year the Kiowas also occupied it, making frequent raids into New Mexico, Texas and Old Mexico. Captain Lewis described them (in 1805) as "a wandering nation." They were good horsemen and fierce fighters. They depended chiefly upon buffalo and other big game for food. Says Mooney: " Unlike the neighboring Cheyenne and Arapaho, who yet remember that they once lived east of the Missouri and cultivated corn, the Kiowa have no tradition of ever having been an agricultural people or anything but a tribe of hunters."

The Arapahoes and Cheyennes were allies for a long while before they set foot on the soil of Colorado in 1795 or about that time, and the affairs of the two tribes were for many years afterward inextricably bound up together. The records of their relations form more or less of a tangled skein. In telling the story of the Arapahoes it is necessary to tell much of the story of the Cheyennes. These two Colorado tribes occupied the country north of the Arkansas River, or, rather, roved over it. For more than a half century they ranged from the Yellowstone to Santa Fe. They are of Algonquian stock. In the first half of the eighteenth century they were a settled, agricultural people in "the land of the Dakotas." Then they drifted away from the main body of Algonquian tribes in Minnesota, gradually moving westward into Wyoming. Later in the eighteenth century they raided into eastern Colorado, and from that time on for nearly three quarters of a century they made summer excursions into the mountain valleys, hunting and fishing, or wandering over the plains, pitching their tepees along the streams. The Arapahoes and Cheyennes camped, hunted and made war together, yet their languages were dissimilar; the men, women and children of one tribe could not

carry on much conversation with those of the other tribe without resorting to signs. The Cheyenne tongue is quite easy to learn, while the Arapahoe tongue is very difficult and highly original. The Arapahoes were sometimes called "Blue-sky men," because they were peaceably inclined in comparison with the Cheyennes and some other tribesmen of the Great Plains. The Cheyennes were intellectually and physically superior, not only to their friends, the Arapahoes, but to the other Colorado tribes. Up to the middle of last century and somewhat later the Arapahoes and Cheyennes were fairly well off and happy as Indians go, for they had meat in plenty. Buffalo and other big game abounded on the plains and in the mountains. Later years saw an ominous decrease of the bison, which furnished the red men food, clothing and shelter. The predatory nomad warriors, however, were not satisfied to live in peace with their neighbors. They often invaded the fastnesses of the Rockies and surprised the villages of the Utes, returning with the ponies and scalps of their mountaineer foes and boasting of their prowess. They said little of the affrays in which they were worsted. They had many scrimmages with the Pawnees of Kansas, and were occasionally at war with the Kiowas before 1840. A favorite pastime of the Arapahoes and Cheyennes was to run off horses belonging to gold seekers, either on the way to California or returning from the Golden Gate in the midcentury and later. Such was the life of the copper-colored denizens of the plains prior to the rush to Pike's Peak. They never made any advancement and did nothing to develop Colorado.

The Navajoes and Comanches are hardly to be classed as Colorado tribes. From time immemorial bands of Navajoes roamed in southern Colorado, at times raiding the Cliff Dwellers, but they seem never to have had any large part of our State as a habitat for any great length of time. The Comanches, too, are

to be considered one of the Southern tribes, although their early habitat embraced portions of eastern Colorado. They usually camped in New Mexico, Oklahoma or Texas.

PERIOD OF SPANISH AND FRENCH OCCUPATION 1540-1803

Coronado

The celebrated Spanish explorer, Francisco Vasquez de Coronado, headed an expedition from Mexico that traversed various portions of the Southwest, 1540-1542. He started (in April, 1540) from Culiacan, with a cavalcade of 250 Spanish horsemen, seventy footmen, some friars and more than a thousand friendly Indians and servants. Then he pushed on through the Arizona wilderness at the head of an advance party, about one hundred cavaliers and footmen, in search of the famed "Seven Cities of Cibola," of which only Zuni (a small pueblo in the western part of New Mexico) remains to this day.

After a furious attack the soldiers captured one of the Cibola strongholds, a village of stone and adobe houses five or six stories high and with flat roofs. No treasures of gold or precious stones were discovered. The worn and hungry invaders did, however, find corn, beans, fowls and excellent salt. The inhabitants, who fled, wore cotton and deerskin garments and had buffalo robes, well tanned. A company of cavaliers visited Hopi-land, to the northwest, and the Grand Canon of the Colorado was seen for the first time by Europeans. As scouting parties wandered far and wide in all directions, it may be that some of Coronado's soldiers entered southwestern Colorado, as has been conjectured.

Turning their faces eastward, the Spaniards journeyed through central New Mexico, finding numerous clusters of immense communal habitations along the Rio Grande, some of them larger and better supplied with food (corn, beans and cantaloupes) than the Cibola settlements. Most of these community-structures

had hundreds of inmates. In one pueblo there were houses with seven stories. Another strong village, four stories high, is now identified with the noble ruin of Pecos. The sedentary, peace-loving clansmen occupying these large pueblos cultivated nearby patches of land by irrigation. They were terrified to see strange men in armor, riding horses; they had never looked upon such men or animals before.

Some of the explorers skirted the Buffalo Plains, proceeding north as far as Taos. The Spaniards wintered at Tiguex, a little north of the Albuquerque of to-day. They had some fierce encounters with the natives. The people resented the presence of the light-skinned aliens, who had come to take possession of their country. The town-building Indians put up an ineffectual resistance with their rude weapons against mailed conquistadores armed with muskets and cross-bows.

In the spring of 1541 Coronado with a large force set out eastward for "Quivira," said to be a rich and populous place. They plodded many weary miles over the boundless expanse of rolling prairie in Texas and Oklahoma. They saw vast herds of bison. Leaving most of his "army" behind, the leader with thirty horsemen and a friar rode in a northerly direction, many days' marches, to the Indian villages in northern Kansas, said to be Quivira. Parties of Spanish cavaliers then explored the surrounding country, some of them venturing into the Pawnee country of southern Nebraska. Neither gold nor silver was found in the course of their long wanderings.

Sadder but wiser men, the disappointed Spaniards retraced their course from the Buffalo Plains to New Mexico, arriving at Tiguex in October. Some writers think the return march from the fabled seven cities of Quivira was over the line of the Old Santa Fe Trail, along the Cimarron River in the extreme southeastern corner of Colorado. Others trace the return route of

Coronado's expedition to the east and south of Colorado, across the northwestern corner of Oklahoma into New Mexico. (See "Spanish Explorers in Southern United States." edited by F. W. Hodge, and "The Journey of Coronado," edited by G. P. Winship.) "His romantic march," says Thwaites, "stands in history as one of the most remarkable exploring expeditions of modern times." On this ill-starred enterprise the daring leader and his followers suffered much from hunger, thirst and fatigue. Many of his "army" miserably perished in the Cibola country or in the villages of "famous high houses" farther east.

Moscoso

A Spanish explorer of note, Luis de Moscoso de Alvarado, accompanied Hernando de Soto on his disastrous expedition through the South to the Mississippi River and succeeded him in 1542. It is said that the remnant of the Spanish forces under Moscoso journeyed westward to the Buffalo Plains and that a scouting party penetrated eastern Colorado. This account is highly improbable, his course taking him by a southerly route (probably through Texas) to Mexico.

Onate

In 1598, Juan de Onate set out from Zacatecas with a considerable company of men to colonize New Mexico. They founded Santa Fe in 1605. It is said that some Spanish adventurers explored San Luis Valley and discovered gold near the present site of Fort Garland. Possibly they worked gold and silver mines in the San Juan country.

The lure of the precious metals brought other Spanish prospectors in the seventeenth century into various parts of Colorado, and bands of French adventurers made a number of journeys over the plains in the first half of the eighteenth century. For a period of about eighty years, 1682-1762, Louisiana, including eastern Colorado north of the Arkansas, was nominally French Territory.

Valverde

In 1719, Antonio Valverde y Cossio led an expedition that advanced northward from Santa Fe into eastern Colorado a long distance. These Spaniards are believed to have marched beyond Pike's Peak as far as the South Platte River, and they may have camped on the site of Denver, a portion of which was named Valverde after this intrepid leader. Other Spanish soldiers followed in his wake.

Rivera

In 1761, Don Juan Rivera headed a party of Spanish adventurers who searched for the precious metals in the San Juan and the Gunnison Valley. These daring prospectors are said to have found some gold in the course of their meanderings, probably not much. The first American prospectors in the San Juan "found many traces of Rivera's mining operations a hundred years before."

A number of other expeditions of gold seekers from Mexico (New Spain) prospected the Rocky Mountains in the latter part of the eighteenth century, one party doing a little mining in the vicinity of Long's Peak. They made no remarkable discoveries of mines of gold or silver. It is said that some deposits of the white metals were found near the Georgetown of to-day. Although they came across no bonanzas, still these enterprising swashbucklers kept up the quest.

Escalante

Perhaps the best known of the Spanish explorers of the time was the Franciscan priest, Silvester Velez de Escalante, who with another Franciscan, Atamazio Dominguez, set out from Santa Fe, July 29, 1776, to find a good northern route to Upper California. They were accompanied by a cavalcade of retainers. They passed through portions of southern and western Colorado and named several rivers that they crossed—the Piedra, Florida, Animas, Mancos, Dolores, etc., also the mountains. These Spaniards charted the lands that

they traversed, described the tribes and the botany of the country, and wrote a full narrative of the expedition. It is a valuable account of their wanderings and observations. The Escalante Hills (in Rio Blanco County) were named in honor of the leader.

In 1762, Louisiana was ceded by France to Spain. Louisiana then included eastern Colorado between the Arkansas River and the Wyoming line as far west as the Continental Divide. In 1800, the province again passed into the hands of France. In 1803, it was ceded by France to the United States. This vast area is called the Louisiana Purchase. Although French explorers time and again set foot on the soil of eastern Colorado before it became a part of United States territory, they never made any settlements here that we know anything of.

PERIOD OF AMERICAN EXPLORATION AND PROSPECTING, 1804-1861

The first American (Anglo-Saxon) who set foot on Colorado was James Pursley (or Purcell), a Kentuckian, who in 1804-5 traded with the Indians on the plains and ventured into the virgin wilderness of the Rockies. He found a little gold somewhere in South Park, as he later told Captain Pike in Santa Fe.

Pike

The year of 1806 is memorable in Western annals because of the exploring expedition headed by Zebulon Montgomery Pike, whose name is kept alive in the popular mind because it is attached to the most famous peak of the Rockies. Pike was a soldier of fortune whose short life was full of distinguished services. He was a hero. He faced perils and underwent hardships unflinchingly in the inhospitable wilderness; he welcomed an opportunity to serve his country, and was ready to die for his country. He left his impress on American character; he put iron into the Colorado spirit. His example has nerved prospectors, miners

and engineers who followed in his footsteps, bucking against the Rockies.

Pike started on his second expedition July 15, 1806. From St. Louis the party sailed up the Missouri River, and then rode on horseback or tramped many hundred miles through the interior of Louisiana. On November 15 Captain Pike, who, with Dr. Robinson, was riding in advance of his little band of soldiers, sighted the crest of the mighty mountain that bears his name.

About a week later the explorers (fifteen besides Pike) camped on the present site of Pueblo, and on the afternoon of November 24 Pike, with three men, set out on foot to ascend the "Grand Peake." This arduous adventure consumed five and a half days and resulted in failure. They did, however, scale Cheyenne Mountain or some other nearby eminence. Then the intrepid leader and his companions marched up the Arkansas River through a blinding snowstorm and entered the maze of unexplored mountains. Not knowing what was before them they went ahead. In midwinter they crossed the rugged ranges, trudging along on foot, undergoing many sufferings and privations. The half-starved explorers displayed the fortitude of Roman soldiers. Their peregrinations took them to the headwaters of the South Platte and Arkansas Rivers. On December 22 Pike and two men ascended a high point in the mountainous country between Granite and Twin Lakes and surveyed the desolate landscape. This was the farthest north reached by the expedition. At no time did they cross the Continental Divide. They were saved from starvation by running across a small band of bison in a mountain fastness. They spent a cheerless Christmas in camp, drying buffalo meat.

Greater horrors, if possible, were before them on the march southward. Some of the horses had bad falls over precipices and were disabled or shot. The men were then obliged to make sleds and haul the loads. The struggling parties made slow progress in the tre-

mendous chasm, since named the Royal Gorge. In his journal (January 4, 1807) Pike tells of their terrible experiences: "Marched about five miles on the river, which was one continued fall through a narrow chasm, with immense cliffs on both sides. Near night I came to a place where the rocks were perpendicular on both sides——hungry, weary and dry." The following day he emerged from the gorge and reached his former Canon City camp (which he had left December 10).

Four days later the stragglers had all showed up. They constructed a blockhouse, and here they should have remained till spring, but the indomitable spirit of the young United States officer knew no rest—again he was on the go. Two men were left to take care of the baggage and look after the broken-down horses, while the rest set out ostensibly to find the source of Red River. In reality Pike was to get information for General Wilkinson, who was involved in Burr's conspiracy and wanted to learn something about the geography of the country across the border.

"The terrible trip Pike ventures now to make," observes Coues, "should not have been attempted in the dead of winter with his miserable outfit." He and Dr. Robinson and the little band of ill-equipped soldiers tempted fate by bucking against almost impassable mountains. They stumbled along, every man heavily loaded, carrying a pack and arms weighing on the average seventy pounds. The wonder is that they did not all perish in that fearful midwinter march through the Wet Mountains and the Sangre de Cristo Range. The cold was intense. Here and there men gave out and were left behind with frozen feet, while the others struggled along, without provisions days at a time. Weak and faint and cold, the leader was at one time in desperate straits when a buffalo fortunately crossed his path and was shot. One day it snowed so hard that Pike could not see ten yards before him, and he had to guide his course by the compass. At night they made a little shelter by piling up pine boughs. "We lay

down," he writes, "and strove to dissipate the ideas of hunger and misery by thoughts of our far distant homes and relatives." The next day matters reached a crisis. With death staring them in the face the leader himself was discouraged; it was the only time on the expedition that his resolute spirit failed him.

Three more bison were killed, and the poor fellows were saved. Their troubles and perils were not over, but the worst was passed. Having crossed the Sangre de Cristo Range, they emerged into the San Luis Valley, more dead than alive. On the evening of January 30 they struck the Rio Grande del Norte near the present town of Alamosa. Moving down stream to the Rio Conejos, they built a stockade of cottonwood logs. Soon afterward the intruders in New Spain were captured by dragoons acting under orders of the Spanish governor of New Mexico. After a short stay in Santa Fe, Pike was escorted to Chihuahua and then to Natchitoches in Louisiana. The Spaniards recognized their prisoner to be a hero and treated him with marked consideration. Meanwhile he took notes of his observations. His itinerary in Colorado lasted nearly three and a half months (November 13 to February 26).

One unfortunate result of the expedition may be mentioned. Pike was partly responsible for the myth of the "Great American Desert." He thought the parched plains were of no account for agriculture.

When in Kansas Pike learned of a large party of Spaniards who marched northward into the Plains Country to intercept his expedition, of which they had heard. Not finding any Americans (who had not yet arrived on the scene), they rode away up the Arkansas nearly to the base of the Rocky Mountains and then proceeded south to Santa Fe. This force, six hundred men, was under command of Lieutenant Malgares.

Long

The expedition led by Major Stephen H. Long, U. S. A., journeyed up the South Platte River in the sum-

mer of 1820, camping on the present site of Denver July 5. Skirting the foothills and mountains, they proceeded southward to the Garden of the Gods. Dr. Edwin James and two ambitious comrades surmounted the dome of Pike's Peak July 14; they were the first men to make the ascent, which Captain Pike believed to be impossible. In the course of their explorations members of the expedition discovered the mineral springs in what is now Canon City. Then they rode eastward down the Arkansas River. Their wanderings in Colorado consumed only five weeks. The scientists gathered much valuable information about the fauna and flora of the plains. They were not afraid to rough it. The reports of the expedition describe the semi-arid country of the Buffalo Plains as the "Great American Desert." This fallacy respecting the agricultural possibilities of a fertile region was slow dying. A prominent mountain of the Front Range was named Long's Peak for the leader, and the mountain ascended by James was christened in his honor James' Peak. So long ago as 1835 or earlier, however, the trappers and other frontiersmen began to call it Pike's Peak.

Fremont

John Charles Fremont played as important a part as his illustrious predecessors, Lewis and Clark, in staking out the nation. In 1842, he was sent to explore the trans-Missouri country in the interest of the westward emigration movement, then setting toward Oregon. A transcontinental route from the States to the Far West was desirable, too, for commerce. He was not entitled to the sobriquet of "Pathfinder," for the trappers knew all the passes and trails of the ranges of the Rocky Mountains long before Fremont ever came here. It was something to his credit, however, to believe in and work for mountain railways, which were built not many years afterward through the mountainous portions of Colorado. He advanced the industrial development of the West. Fremont rendered valuable service

to geography when on his five expeditions, in 1842, 1843-44, 1845, 1848 and 1853. He was as venturesome as Pike and as lucky. He had courage and grit. Unlike the trapper, he had intellectual attainments, and he made scientific observations. His reports of his Western expeditions were read with prodigious interest. He had a vivid way of expressing himself. Some of his descriptions and narratives are prose poems. In the midcentury and especially in 1856, when Fremont was the standard-bearer of the new Republican party, his writings fascinated old and young alike. The adventures of the explorers with buffaloes and Indians, the hardships of the party, the tale of hunger and thirst, of mountain climbing and crossing the desert, left as indelible an impression on the boy readers of that time as "Robinson Crusoe." The charm of mystery still hung over almost everything west of the Mississippi, and books relating to this **terra incognita** were devoured with eager curiosity. Fremont played a part in the train of events affecting the settlement of the Rocky Mountain country. He helped win California—that was his supreme service. Soon afterward gold was discovered on Sutter's Ranch, and this event led to prospecting for "colors" on the Eastern Slope of Colorado. The finding of gold in Ralston Creek, by the Cherokees in 1849, caused Green Russell to organize an expedition that came here in 1858. So one thing leads to another. Fremont belongs to Colorado as well as to California. It is fitting that a high pass (in Lake County) was named in his honor, also a county of our State.

Gunnison

Captain John Williams Gunnison, U. S. A., was another man whose influence counted for something in the development of Colorado. His explorations showed that a railroad through the mountains was a feasible undertaking. In the summer of 1853 he traversed southern Colorado, then he boldly penetrated the moun-

tain fastnesses of central Colorado and proceeded westward across the desert of western Colorado into Utah, where he met a tragic fate. A river, a county and a town were named in his honor.

Among the frontiersmen (not already mentioned) who at one time or another figured in Colorado annals before the Pike's Peak rush, some characters of more or less celebrity in the category of trail-blazers, freighters, Indian traders, trappers, hunters or soldiers may be named: Colonel Hugh Glenn, Major Jacob Fowler, Colonel Henry Dodge, Jim Beckwourth, "Old Bill" Williams, Lucien Maxwell, "Uncle Dick" Wootton, Thomas Fitzpatrick, Jim Baker, Bill Garey, Elbridge Gerry, Antoine Roubideau, John Smith, "Old Scout" Wiggins and William T. Eubank. The literary travelers, Wislizenus, Farnham, Sage, Parkman and Ruxton passed this way. In 1856, Sir George Gore, of Ireland, headed a hunting expedition on the plains and in the mountains. Captain R. B. Marcy conducted a military expedition through the Colorado Rockies in the winter of 1857-8. In 1852, Fort Massachusetts, a military post for U. S. troops, was established at the base of Sierra Blanca. In 1858, Fort Garland was erected nearby.

Fur Traders and Trappers

So long ago as 1808 a small company of venturesome trappers penetrated "the howling wilderness" of Colorado. They found beaver plentiful, and thenceforth bands of roving men pitched their tents along the streams and set their traps for fur-bearing animals whose skins were valued then (and are valued now) as articles of wearing apparel. The building of Bellevue Post in 1810 and of Astoria in 1811 marked the beginning of the organized fur trade in the Far West. The business rapidly developed, and erelong the fur companies of our country had upward of a thousand persons in their employ west of the Missouri River. The annual traffic varied somewhat, year by year, from one hundred thousand dollars to three hundred thou-

sand dollars (or half a million or more in present-day currency). Besides, the Indian trade was a source of big profits; the red men exchanged buffalo robes and deerskins for beads, trinkets, steel arrowheads and "fire water," getting the worst of the bargain generally. Of the mountain men, as the trappers used to be called, a majority were French creoles or French Canadians; they drifted from the South or the North to St. Louis in the first quarter of last century. However, there were some Americans, Europeans and Mexicans engaged in the business; they felt the fascination of rough life beyond the pale of civilization. In the heroic age of the West the trapper with his odd costume and rugged exterior was a picturesque figure. That far-off time has been characterized as "a romantic era" in the history of the Rocky Mountain country.

The fall and spring were the seasons chosen for trapping. The furs obtained in February and March were of superior quality. The **voyageurs** lay by during spells of cold weather in December and January. In May and June small parties carried packs of furs on horses (or perhaps by boat part of the way) to Roubideau Post, now known as St. Joseph, or to St. Louis, where they purchased supplies of goods, ammunition, coffee, sugar, etc.

The beaver-hunters of the trans-Missouri region were pathfinders. They explored the recesses of the wilderness, discovered mountain passes and sailed rivers. If they had been educated men, they might have made valuable contributions to geography. When fur trading was at a low ebb, in the '40's and '50's, the idle trappers served as guides and scouts for government surveys and military expeditions in the intermountain country. Adventurous emigrants, bound for Oregon or California, were glad to avail themselves of the mountain man's knowledge and experience.

According to tradition, Captain Lupton headed a company of trappers who came to the Rocky Mountains

northwest of Denver about the year 1818. They were in the service of the American Fur Company, which had its headquarters at St. Louis. For some time they had a rendezvous on the South Platte about twenty miles north of Denver. A trading post was established there, and it is said that in 1834 (or earlier) Lupton, who is supposed to have been a Spaniard or Spanish-American, built the adobe structure known as Fort Lupton. It was located a little distance north of the station named for the trading establishment. He was then trapping on his own hook, evidently. A frontiersman who met the old trapper on the Platte, about the year 1854, says he was called Madero Lupton. Others assert that his name was Lancaster Lupton and that the fort was erected in 1837. If the recollections of old-timers are to be trusted, Fort Vasquez (at the mouth of Clear Creek) was founded in 1823.

In his early years William Bent was an employee of the American Fur Company. In 1824 he headed a band of mountain men trapping in the upper Arkansas Valley. Bent seems to have been the leading spirit in founding a trading post on the Arkansas west of Pueblo. He had several brothers who, in 1828-32, joined him and Ceran St. Vrain in building another and larger post (about seventy-five miles east of Pueblo) called Fort Bent or Fort William. They were later independent traders, and their employees were "free trappers," as were Kit Carson and his band of forty-five men. The fur companies had no control over them. Bent did a big business with the plains Indians. In 1827, or about that time, he and St. Vrain founded a post on the Platte about forty miles north of Denver. It was christened Fort St. Vrain. The post was built to trade with the Sioux and northern Cheyennes, as well as a rendezvous for the dwindling bands of trappers and was likely at first not a fort.

The growth and decline of the American fur trade in the first half of last century constitutes a unique

phase of United States history. In the Rocky Mountains the business was flourishing in the '20's and the early '30's; it had reached its zenith by 1835, and was on the wane for some years thereafter. A whim of fashion brought silk hats into vogue instead of beaver, the demand for furs fell off, and the trapper found his occupation gone. Notwithstanding the low price of pelts after 1834, many of the mountaineers (who were also mighty hunters) kept at trapping from force of habit and inclination. Some of the class of rovers who caught beaver and otter did not care to make money; it was the wild, free life in the primitive that they enjoyed.

The trappers of the old days were in some ways rather low down in the scale of humanity. None the less, the beaver-hunter was not without certain redeeming traits that now and then flowered into deeds of heroism. Occasionally among the trapping fraternity might be found one of Nature's noblemen, like Kit Carson, who was the prince of border-men. It is well that his name is perpetuated as the name of one of the counties of our State. One county was named for the noted fur-trader, William Bent.

The Old Santa Fe Trail

In 1822, a venturesome trading party made the slow and weary journey with pack mules from St. Louis to the capital of New Mexico. Two years later a large caravan of traders made the trip with wagons, carrying some thirty thousand dollars' worth of merchandise, which they sold at high prices in Santa Fe. From that time the trade grew. Some years it amounted to nearly half a million dollars, a considerable sum in those days.

By 1830 the highway for the commerce of the prairies, between St. Louis and Santa Fe, had become a famous thoroughfare. The village of Independence in western Missouri was for many years the outfitting point. In the early '30's and thereafter there was a well established route that the wagon trains followed,

unless something unusual happened to turn them aside from this main artery of frontier traffic and travel. From the outpost of Westport Landing (now included within the limits of Kansas City) the Old Santa Fe Trail bore westward and south to the Arkansas. The caravans then continued their course along the north bank of the river to a point west of the Dodge City of to-day. They forded the stream at a place known as the Cimarron Crossing. From here they struck across the desolate country in a southwesterly direction. For a distance of nearly twenty miles the road lay along the stream bed of the Cimarron River in southeastern Colorado. Then the path veered to the southwest across the corner of Oklahoma. In New Mexico the trail runs through plains and mountain scenery by a tortuous course to the "City of Holy Faith." The length of the fatiguing journey was upward of eight hundred miles, and it consumed from sixty to seventy days; the return trip with lighter wagons occupied some forty days or less, if the animals were not stampeded by redskins. Bearers of dispatches sometimes covered the distance on horseback in eighteen days. In 1849 and afterward the Overland Stage Route traversed this road, at least most of the way, between Fort Leavenworth and Santa Fe. The "overland mail" was also transported over this line in the '50's and '60's. The building of railroads in the '70's put an end to the traffic and romance of the old trail.

In the second quarter of last century, when the commerce of the prairies was exceedingly valuable, the long, tedious journey was dangerous. Kit Carson and his band of stalwart riflemen were sometimes called upon to guard wagon trains while passing through the "danger zone" of the Santa Fe Trail in southwestern Kansas and northeastern New Mexico. When a horde of Kiowas or Comanches suddenly swooped down upon a caravan, the wagons were hastily corralled, and a fierce fight followed.

The New Santa Fe Trail via Bent's Fort

A trail much frequented in the frontier period ran up the Arkansas to Bent's Fort. Following in the footsteps of Coronado and his cavaliers (for some distance, at least), Pike's soldiers and numerous parties of trappers went that way to the Rockies. Fremont's third, fourth and fifth expeditions proceeded up the Arkansas via Bent's Fort to the mountains, as did Captain Gunnison in 1853. Some Mormons trekked up the Arkansas to Pueblo in 1846, and it was the central route for the Argonauts in the midcentury; the greater number of them, however, surged over the Old Santa Fe Trail or trekked across the plains by the Overland Route. It is said that in 1837 grazing was poor on the old Santa Fe Trail, and for this reason a caravan of traders bound for Santa Fe took the longer route via Bent's Fort and Raton Pass. Up to that summer and for nearly ten years afterward it was a lonely trail, although sometimes traveled by freighters from New Mexico passing back and forth between Fort Bent and Taos (the home of Kit Carson). In 1846, the armies of Kearny and Price marched over this by-trail en route to Mexico, and some traders straggled after the troops to Santa Fe. In the late '50's William Bent freighted for the U. S. government, transporting military supplies from Fort Leavenworth to Fort Union, and of course he took this route. In the pioneer days of Colorado Territory a stage line was established between Leavenworth and Santa Fe via Bent's Fort. It had then become a hard-beaten track. Over it Colorado soldiers marched from Fort Lyon to the relief of Fort Union in 1862. From the Missouri frontier by this detour to Santa Fe the distance was something over nine hundred miles.

In the '60's freighting and staging between La Junta and Trinidad were extremely hazardous. Bands of Comanches and Kiowas infested the nooks of the trail, and oftentimes the Concord coach was "held up by

road agents'' in some gloomy defile. Many a rocky ravine in Las Animas County has its tale of daring and adventure.

The Oregon Trail

In the '30's the long roadway known as the Oregon Trail became a regular route for many fur-hunters going to Fort Laramie and to other points in the Rockies. Over this well-beaten path rolled the prairie schooners of Marcus Whitman and others bound for the Oregon settlements. This historic highway was immortalized by Parkman, who made the overland journey in 1846. It left Independence and crossed Kansas in a northwesterly course to the Platte, then called the Nebraska River. The ox-teams meandered along the trail up stream until they reached The Forks. Here was the parting of the ways. Some of the ''Pilgrims'' continued along the North Fork, the Mormon Route of 1847, while others followed the South Fork to a point in northeastern Colorado near Julesburg, then swung over to the North Fork at Ash Creek, five hundred and thirteen miles from Independence. They crossed the Continental Divide through South Pass, otherwise known as Bridger's Pass. Fremont rode over the Oregon Trail for a considerable distance on his first and second expeditions.

The Overland Stage Line to California

In 1849 a tide of adventurous gold-seekers trekked across the continent to California. One transcontinental pathway of the Argonauts via South Pass was the same as the Oregon Trail as far as Julesburg, thence it followed the South Platte to the mouth of the Cache a la Poudre. Here Fort Latham was established in the '50's. Thence they proceeded to LaPorte and Cherokee, crossed the Medicine Bow Range and made for Fort Laramie in southern Wyoming. In the '50's this was the line traversed by the overland stage-coach carrying the mail from Independence to Salt Lake and the Pacific. The sod walls of old Fort Latham, about

five miles east of Greeley, were demolished in 1910.

During the rush, 1849-52, hundreds of thousands of persons (including many women and children) crossed the plains by the northern route, some of them passing through northern Colorado. A smaller number of gold hunters went to California via Santa Fe. Those who traveled up the Arkansas via Pueblo, then veering north past Pike's Peak and on into Wyoming, were comparatively few, perhaps from five hundred to a thousand (including individuals of both sexes and of all ages).

The Taos Trail

This old trail skirted the mountains between Taos and Pueblo. Before the coming of Americans many Spanish expeditions traversed this route or portions of it, sometimes going as far north as Pike's Peak or farther. In the '30's and afterward freighters from New Mexico transported corn and other farm products in wagons over the Taos Trail, then proceeding north to Fort Lupton and other fur-trading stations on the Platte; the route between Pueblo and Denver was practically identical with the line of the Denver and Rio Grande Railroad. Military expeditions occasionally marched from Fort Union to Fort Laramie, traversing freighters' roads and stage trails most of the way. Many a frontiersman and soldier camped on the site of Denver before a cabin was built here. The Taos Trail has a romantic past.

"It wound through strange and sacred hills,
Down canons lone
Where wild things screamed,
With winds for company;
Its milestones were the bones of pioneers."

The Political Status of Colorado

Something may be said as to the changes affecting the political status of the land of Colorado during this period. In 1805-12 the section north of the Arkansas River and east of the Snowy Range was a part of the

Territory of Louisiana. In 1812, the Territory of Missouri was organized, and it embraced a part of Colorado. In 1836, American inhabitants of the Southwest, then Mexico, founded the "Republic of Texas," which comprised the plains south of the Arkansas and a narrow strip of mountainous country extending northward through Colorado into Wyoming. Nine years later Texas was annexed to the United States, and in 1848 western Colorado was ceded by Mexico to the United States. In 1854, the Territory of Kansas was organized; it extended to the Rocky Mountains. The following year Arapahoe County, K. T., was nominally organized.

The Green Russell Expedition, 1858

The hazardous and uncertain quest for gold has occupied men ever since the dawn of history. It was the lure of the precious metals that brought Spanish and Portuguese swashbucklers to Colorado in the centuries agone. They found both gold and silver, but nothing ever came of their discoveries worth recording. Probably they extracted only small quantities of the yellow and white metals while here. It remained for men of Anglo-Saxon blood to seek and find the hidden wealth of the Rockies that had been awaiting the advent of man for untold ages.

The Green Russell expedition of 1858 was the beginning of an epoch. The discovery of gold in Dry Creek, just south of the present site of Denver, may be called the birth of this commonwealth.

Among the Argonauts of 1849 was a band of Cherokees who stopped on their way to California and prospected some of the creeks and rivers of the Eastern Slope. They found a little gold in Ralston Creek, a tributary of the South Platte. They then went on to the Coast.

Later William Green Russell, of Georgia, heard of this strike. After he returned home he with others organized an expedition to explore the Pike's Peak

country with the hope of running across treasure-trove in the Rocky Mountains. In his company were his two brothers—J. O. Russell and L. J. Russell—and other Georgians. They left home February 17, 1858, and traversed Indian Territory and southern Kansas on the way to Pike's Peak. From time to time they were joined by parties of Cherokees and Kansans. It was considerable of a caravan that journeyed up the Arkansas River, consisting of 104 persons at one time. Some of them stopped at Bent's Fort. Most of the other members of the expedition pushed on westward and northward, prospecting Fountain Creek, Cherry Creek, the South Platte and other streams they came to without finding colors in paying quantities. As the days passed, their spirits sank; they expected to pick up nuggets as big as hailstones. After weeks of zealous seeking they had made no important discovery of gold, and some of the adventurers with Russell were losing heart. On June 24 they camped on the bottom land near the confluence of Cherry Creek and the Platte.

The next few days the men of the expedition scattered and prospected Ralston Creek, Clear Creek and other streams, going north as far as Boulder Creek. Nearly all of them were disappointed and discouraged. for they found only very minute particles of the glittering dust; it was so fine they could do nothing with it. After four days of tramping they worked back to their old camp on the bank of Cherry Creek, some thirty or forty rods from the spot where the City Hall of Denver stands to-day. On June 29 the party broke up; the greater number of the fortune-hunters then and there gave up the search for gold and turned back. The thirty-seven Cherokees, disgruntled, left in a body.

A crisis had been reached. The leader, Green Russell, got the remaining men together and made an eloquent speech. It is said that he drew upon some of his California experiences; he told of the ups and

downs of prospecting; he urged the malcontents to remain longer, saying he believed it was only a question of time when they would strike rich placers and find valuable mines. Russell had faith; the majority had not. They deserted, and set their faces homeward; the quest was not for them.

On June 30 Russell found himself with only a dozen men, camped near the mouth of Cherry Creek. It was a critical moment, and he called a council. In a plain talk he said he had come to this country to prospect the Rocky Mountains. He was unwilling to give it up. "If only one man will stay with me," he said, "I will remain until I satisfy myself that no gold can be found, if it takes all summer. Will you stay with me?" The twelve men, some of them Kansans and some of them Georgians, declared that they would stick by him.

Not at all disheartened by the turn of affairs, the handful of men broke up camp and started up the Platte. They were on the constant lookout for prospects. Here and there they stopped and washed out a panful of dirt. One day, as James H. Pierce tells the story, he was loitering behind the wagons, scanning the bars and shores, when he thought he saw a bar that would pan out well. He dipped up a shovelful of sand and began washing it. At that moment Green Russell came up and finished panning it, while his companions looked on. He secured coarse gold flakes to the value of a dime and exclaimed: "Men, our fortune is made!"

The other men retraced their steps and looked at the gold dust, delighted. They all got busy, and in a short time they obtained gold to the value of a hundred dollars from the sands of the Platte. The pocket of colors was soon exhausted, but in high hopes they kept up the search, day by day. Not long afterward they found another valuable deposit of float gold. The leader and another man were out hunting antelope and were walking along the bank of Dry Creek, a little to the south of the Englewood of to-day, when they came to a spot

where the ground sparkled with flakes of gold. Russell and his companions eagerly set to work, washing out the auriferous gravel. Here they got four or five hundred dollars' worth of the yellow metal. That was all, but it was enough to settle the fate of the expedition—it started Colorado.

Reports of the discovery spread to Kansas and Missouri, and an emigration to the "Pike's Peak gold region" in the summer and fall of 1858 followed. News of a find of a little gold by a teamster in the army passing down the Platte that year was published abroad and started a hegira of gold-seekers from St. Louis.

To the Cherokees justly belongs the credit of originating the Russell expedition, and Russell deserves the praise of keeping up the quest and nerving the remnant of the party until success crowned their efforts. For this is William Green Russell remembered and honored as one of the makers of Colorado. One of the figures of the Pioneer Monument in Denver was modeled after this noble man. A gold-bearing gulch that he located in the summer of 1859 was named in his honor.

The Lawrence Party, 1858

Meanwhile there were other gold-seekers in the Pike's Peak country in that fateful summer of 1858. Green Russell and his companions antedated the arrival of the historic Lawrence party by only a fortnight. A Delaware Indian by the name of Fall Leaf started this expedition. In the summer of 1857 this red man acted as guide to Colonel Sumner while he was chasing some Arapahoes and Cheyennes on the warpath. One day Fall Leaf stopped to get a drink in a tiny stream of water flowing out of the side of a mountain, presumably in the Front Range. He saw several nuggets of glistening gold laying in the water on a rock and, of course, he picked them up. Late in the autumn of 1857, he returned to his reservation and visited the town of Lawrence, in eastern Kansas. He showed the bunch of nuggets to John Easter, the village butcher.

"Where did you get these?" asked Easter.

"Two sleeps from Pike's Peak," answered Fall Leaf.

Easter got the gold fever at once. He spoke of the find to his neighbors, and in the following spring they organized a company of about forty persons to prospect the Pike's Peak region for gold. Fall Leaf promised to accompany them and lead them to the spot where he found the nuggets, but when it came to a showdown Mr. Indian refused, and they went on without him. They proceeded leisurely up the Arkansas River, seeing thousands of Indians. They found the plains black with bison as far as the eye could see in western Kansas. On the 3d of July the party camped in the Garden of the Gods. They knocked about for six weeks, having a good time but not finding any gold to speak of. By chance they heard of the discovery in Dry Creek, and forthwith they turned northward for the diggings. One of the leading spirits of the company was Josiah Hinman who, with a number of other men, laid out the town of "Montana City" in the month of September, 1858. This was the first attempt by Americans to found a village in Colorado. It existed only about six months, however.

From time to time other newcomers pitched their tents at the mouth of Cherry Creek and the Platte, which had already become a rendezvous for prospectors and miners. In October some of them began building log cabins. John Easter erected one of them. Nebraskans, Kansans and other people from the States kept coming, and the little hamlet was at first called "Auraria," after a place in Georgia. Then the name was changed to Denver in honor of General James W. Denver, who was in 1858 the governor of Kansas Territory, which at that time extended to the main range of the Rocky Mountains.

Such was the beginning of Colorado. The settled portion between Boulder and Pueblo first went by the

name of the "Pike's Peak country" or the "Pike's Peak gold region," also "Pike's Peak and Cherry Creek." It is said that as many as two thousand gold-seekers came here in the summer and fall of 1858. They dug up the gravel in many localities and uncovered some prospects, getting small quantities of placer gold here and there. The only important discovery of 1858, however, was the find near the mouth of Dry Creek.

Jackson's Gold Discovery, 1859

The gold strikes of the summer and fall of 1858 were small—probably no more than $2,000 in value, all told—but the reports of them, greatly exaggerated, spread far and wide and started the rush to Pike's Peak the following year. Fortunately, important discoveries of gold were made early in 1859 by George A. Jackson and John H. Gregory. Otherwise nothing might have come of this historic stampede.

George Jackson hailed from Missouri, and he had in him something of the spirit of the renowned backwoodsman, Daniel Boone. Jackson had done some mining in California before he came to the Pike's Peak region in 1858. He and two other men built a cabin on the present site of Golden. The town that afterward grew up here, in the foothills about fifteen miles west of Denver, was named for one of these men, Tom Golden. The other man was James Sanders.

It was holiday time, when most men would prefer to sit by the fire, that these three Fifty-eighters—Jackson, Golden and Sanders—set out on a prospecting tour, intending to look for gold in the mountains. That was December 31, 1858. They struck out on foot into the hills, each man carrying a rifle and a small load of provisions. On New Year's Day they sighted a big band of elk, and forthwith Jackson's two companions left him to hunt elk. Undaunted, he proceeded up Clear Creek alone, with his two dogs, Drum and Kit, for company. Besides his rifle he carried a blanket, a drinking cup and a little bread and coffee, enough to

last several days. That was his outfit. He depended upon his rifle to supply him with meat.

Jackson pressed on westward, part of the time finding it hard traveling, wading in places through snow two feet deep. Along toward nightfall he reached the hot mineral springs, now known as the famous summer resort of Idaho Springs. Nearby were some large flocks of mountain sheep grazing, and he shot one. That night he camped in a clump of cottonwood trees. He made a little bough-house to shelter himself. The next day being cold and snowy, he did not venture out. The following day the weather cleared up, and the ambitious prospector started out to find gold. The trackless wilderness was before him, and he wandered up a gulch, finding no traces of colors that day.

Jackson's first day's search was unsuccessful, but, hero that he was, he resolved to try again, although supplies of provisions were running low. He returned to camp after dark, tired and hungry, only to find that a marauding cougar had stolen all his meat. The man went to bed supperless, for he had eaten the last of his bread that morning. He did not lose heart, however. He got up early the next morning and shot a wild sheep before sunrise. He drank the last of his coffee and started out to do some more prospecting. This day, January 5, Jackson came across a place a half mile up stream where the gravel looked good. Here he made a new camp under a big fir tree. The ground was frozen hard, and he built a fire on it. All day (January 6) he kept the fire going until the gravel was thawed. The next day this resourceful man had his reward. "Clear day," he cheerily writes in his diary (January 7), "removed fire embers and dug into rim on bedrock, panned out eight treaty cups of dirt and found nothing but fine colors; ninth cup I got one nugget of coarse gold; feel good tonight."

Jackson worked another day, digging and panning until his hunting knife was worn out. He then had

about half an ounce of gold, worth ten dollars. "I've got the diggings at last," he wrote in his journal, gleefully. Having no mining tools with him—pick, pan and shovel—the man had to quit. He marked the spot of his discovery and trudged back to his shack.

In the spring, Jackson returned to the spot, where he had marked a tree so he could easily locate it, and took out between four and five thousand dollars' worth of placer gold. Jackson Bar was the first large deposit of gold ever uncovered in the Rockies. The site of this bonanza is near the mouth of a little stream, Chicago Creek, flowing into Clear Creek. A monument marks the spot in the town of Idaho Springs. This discovery was an event of vast moment in the history of the West.

Gregory's Gold Discovery, 1859

Meanwhile John H. Gregory, of Georgia, was prospecting only a few miles away from Jackson, although neither knew of the presence of the other. Gregory discovered rich placer ground, near Black Hawk, in the gulch that bears his name. The Jackson Diggings and the Gregory Diggings were some thirty-five miles to the west of Denver.

Gregory was an adventurous fellow who knocked about on the frontier in the summer and fall of 1858, finally reaching Fort Laramie. Here he seems to have heard of the gold discovery in the bank of Dry Creek. In January, 1859, he set out southward (on foot), determined to prospect the streams of the Front Range. Gregory was no tenderfoot. Like Jackson, he had real grit and heroism in his makeup. In the wintry weather he put up with many discomforts in the inhospitable wilderness. He must have found the cold weather hard to bear, for he had been used to the mild, sunny climate of the South.

Gregory was an experienced miner, and he knew where to look for colors. Working gradually south along the foothills, he prospected the Cache a la Poudre

and other streams. Following up the Vasquez Fork of the South Platte, he came to the vicinity of the Black Hawk of to-day. Hereabouts he got some colors. Then the man had to give up the pursuit on account of a hard snowstorm and the lack of supplies. He found his way down into the valley with difficulty and subsisted upon venison and other game that he got by hunting. He finally turned up in the short-lived mining camp of "Arapahoe" on Clear Creek, a short distance below the Golden of to-day.

At this crisis in Gregory's life he chanced to meet David K. Wall, a kind-hearted Hoosier, who "grubstaked" him for another prospecting tour in the hills. He made good. Leaving Golden in April, Gregory, accompanied by a small party of men, picked his way through a maze of mountains back to the place where he had seen indications of gold the previous winter. Was it chance or luck that led the man into the heart of one of the richest mining districts of Colorado? In a ravine two or three miles in length he located a bonanza placer, May 6, 1859. The diggings in Gregory Gulch, a little south of Black Hawk in Gilpin County, made the discoverer wealthy. A city or a county of our State should be named in honor of this man, who did so much for Colorado.

Others, Green Russell among them, found valuable deposits of the royal metal in the neighboring hills that memorable summer of '59. This new mining region was called "Pike's Peak," although the diggings in Clear Creek County and Gilpin County were somewhere near one hundred miles from the majestic monarch of the Rockies that was discovered by Captain Pike in 1806.

The Rush to Pike's Peak, 1859

First came the discovery of float gold in Dry Creek, south of Denver, in the month of July, 1858. Reports of it and rumors of other finds caused the wildest excitement back east and started the rush to Pike's Peak

in the spring of 1859. This extensive migration of gold-seekers to "Cherry Creek and Pike's Peak" is the most dramatic incident of Colorado history. Scores of thousands of adventurers trekked up the Platte Valley along the route where the Union Pacific Railroad was afterward built or in sight of it. The tedious journey in canvas-covered wagons, from Omaha to Denver, consumed about six weeks. Many of the Pike's Peakers crossed the plains farther south, some of them riding up the Arkansas Valley or by the Smoky Hill Route between the Arkansas and the Overland Trail. Once in sight of the massive peak named in honor of the courageous soldier-explorer, they headed directly for it. When at the base of the rugged sentinel of the plains, they learned that the golden diggings were upward of a hundred miles away to the northwest. Thither they drove their ox-teams, in high hopes, via Denver and Golden. A resistless tide of "Pilgrims" surged up the winding banks of Clear Creek or through Golden Gate Canon. In the summer the gulches of the Front Range swarmed with prospectors and miners. They were feverishly anxious to make "rich strikes." They were dreaming great dreams of being the first lucky finders of mineral wealth.

The great majority of the fortune hunters who flocked to the hills and mountains of the "Pike's Peak region" were disappointed. They had never had any practical experience at mining and found no gold worth mentioning. They staked their little all on an uncertain venture, and, not running across a paying "prospect," they turned their faces toward the rising sun, discouraged. The golden treasure was here, but they could not locate it; so they gave up in despair and disgust. The tide of "Go-backs" was checked, however, by the discoveries of Jackson and Gregory, which settled the fate of the straggling frontier settlement. The section of the Eastern Slope embracing Clear Creek and Gilpin Counties is called the birthplace of Colorado.

A romantic interest attaches to the story of fortune hunting in the Rocky Mountains in '59 and '60, for the rush lasted two years. A considerable number of the Pike's Peakers came in prairie schooners, labeled with grim legends. Although the arrivals of 1860 were not so numerous as those of the preceding year, there were tens of thousands of them. Many of the Pike's Peakers returned to their homes in the States, and others scattered to various parts of the West, Colorado being then as now the crossroads of the trans-Missouri country. Some of them, after suffering untold hardships and enduring countless privations, made a pile and stayed to help develop this mountain land of ours.

No exact estimate can be made of the number of the Pike's Peakers. There were probably a hundred thousand of them or more, mostly men, some of the best blood of the nation. They hailed from the South, the Middle West and States farther east, as well as from Kansas and Nebraska.

The Pike's Peakers were civilizers. The wild Indians remained at a standstill for ages, and the prehistoric agriculturalists of southwestern Colorado made but little progress. During the half century the beaver hunters were here they wrought no change; the face of the country was the same in 1858 as in 1808—it was still a wilderness. It was reserved for a later generation to develop the resources of Colorado. In coming here they were actuated by a desire to find gold; they discovered valuable deposits of the yellow metal in the districts afterward known as Clear Creek, Gilpin, Boulder, Park, Summit and Lake Counties. Mining camps sprang up like magic in the mountain valleys and gulches. Villages were founded, with newspapers, schools and churches. Some of the pioneer settlers engaged in farming and stockraising on a small scale. The conquest of Nature was begun in good earnest. Emphatically, the Fifty-eighters and Fifty-niners were men of a different stamp from the trappers.

The Pike's Peakers had the political genius of the Anglo-Saxons, well developed. They brought with them traditions of law and order. They organized the "Territory of Jefferson," which was not recognized by the United States Government. Strictly speaking, this isolated settlement in 1859 formed a part of Kansas; the Western Slope was a part of Utah.

TERRITORIAL PERIOD, 1861-1876

On February 28, 1861, the Territory of Colorado was organized, with the thirty-seventh and forty-first parallels of latitude as its south and north boundaries (about 280 miles), its east and west limits being approximately 102° and 109° W. longitude (about 380 miles). The area of this quadrilateral is 103,948 square miles, or 66,526,720 acres. The area of Jefferson was much greater. Colorado is the seventh State in size, after Texas, California, Montana, New Mexico, Arizona and Nevada. The new Territory was made up of parts of Utah, New Mexico, Kansas and Nebraska. It was named after the Colorado River, which was so named from the richly tinted rocks of the Titan of Chasms. The word "Colorado" is Spanish, meaning "colored" or "colored red." It is a beautiful and appropriate name for our State, which is noted for its red rocks.

On March 22, President Lincoln appointed William Gilpin, of Missouri, Territorial Governor. He was a scholarly man of large ability, to whom Coloradoans owe a debt of gratitude. He possessed extraordinary foresight. In the midcentury he predicted the building of a railroad through the Rockies and on to the Pacific, and he confidently expressed his belief in the existence of boundless mineral treasures in the San Juan Mountains. During his short experience as governor (about a year) and afterward until his death he labored unceasingly to promote the welfare of Colorado. He rendered the Union cause a timely and important service by organizing regiments of soldiers that saved Colorado from invasion by the Confederates. A county

was named in his honor.

The Legislature of 1861, meeting in Denver, passed an Act defining the boundaries of seventeen counties—Arapahoe, Boulder, Clear Creek, Conejos, Costilla, Douglas, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Lake, Larimer, Park, Pueblo, Summit and Weld. The first Delegate to Congress from Colorado was Hiram P. Bennet (Republican).

In 1864-5 there was a determined, but futile effort to make Colorado a State. Opposition developed, and President Johnson vetoed the Colorado bill.

The first Federal Census of Colorado Territory, taken in the summer of 1861, showed a population of 25,331, mostly natives, three-fifths of them being men. The number of people in Jefferson Territory was far greater the preceding year. The Civil War had begun, and thousands of the Pike's Peakers returned to their home States to join the Union or Confederate armies. Denver, the largest town in the infant Territory, was credited with less than three thousand inhabitants.

The Territorial Capital was nominally Colorado City in 1861. In 1862 it was changed to Golden. The second session of the Legislature, however, was held in Denver. The third session, begun at Golden, adjourned to Denver. The rivalry between these two towns continued several years longer, Denver finally getting the supremacy as "The Queen City of the Plains." The business portion of East Denver was devastated by fire, April 19, 1863, and the flood of May 19, 1864, was an appalling catastrophe. A dozen persons were drowned, and the residents along the west bank of Cherry Creek suffered a property loss of a million dollars.

Colorado in the Civil War

The part that Colorado played in the War of Secession was an exceedingly creditable one. Between four and five thousand men enlisted, and they were a superb body of citizen-soldiers. The Colorado regiments were

in more than a score of battles and skirmishes. They especially distinguished themselves in the hard-fought engagement in Glorieta Pass between Fort Union and Santa Fe. This has been called "the bloodiest battle of the War." Detachments of Colorado troops saw rough service in Indian warfare.

Slow Growth of Colorado Territory

At the time of the census of 1861 some miners and "Pilgrims" were missed. The population of Colorado at that time, however, was likely no more than thirty thousand. On account of the Civil War, the Indian troubles and the decline of placer mining, the growth of Colorado Territory was slow in the '60's. Some immigrants—farmers and stockgrowers—came in 1866, there being a lull in Indian fighting that year. Then the redskins were at it again, and the next two years saw no material gain in immigration. In 1868 a smelter was opened at Black Hawk, and the mining industry picked up. The following year there were more settlers, some farmers and many miners, who flocked to the mountain towns. Gold could now be extracted from refractory ores, and the output of silver increased. Men now engaged in lode-shaft mining and dug tunnels into the ground hundreds of feet deep. A steady stream of metallic wealth was poured out that saved Colorado during the lean years of the grasshopper raids, 1873-6.

There were flush times in the early '70's. Railroads were built and colonies were founded. Irrigation farming began to amount to something. Colorado's leading industry then was stockgrowing, cattle and sheep. Those were the days of the "Cattle Kings" and the cowboys and herders watching immense herds of sheep, on the plains of eastern Colorado and in the mountain valleys.

Notwithstanding dull times Denver made substantial advances in the '60's. From the beginning of 1858 the citizens had faith in its future. Its fortunate sit-

uation was a great point in its favor. With the influx of newcomers in 1869 into Colorado Territory Denver's population picked up, and the gain was rapid the following year; the number of its inhabitants was estimated to be as high as ten thousand in 1871. It was steadily growing the next few years. The hopes of the pioneers had been more than realized. In 1874, a Chamber of Commerce was organized, and civic improvements were undertaken. Even then Denverites had adopted the "Smile and push" policy. The high commercial character of the leading business men of the Queen City was another factor making for progress. The concentration of railroads at this point kept it in the lead of Cheyenne and Pueblo. It was a cosmopolitan city in almost every sense.

In this period of growth Pueblo forged ahead rapidly, becoming the second city in the Territory. In the '60's Pueblo was an unimportant village. In the early '70's the twin cities, North Pueblo and South Pueblo, grew amazingly. The coming of the Santa Fe Railroad gave the town a chance to develop. Forthwith the city began to assume importance as a manufacturing center, with its smelters, steel works, etc. It had waterworks and street railways, and in 1876 a handsome schoolhouse was erected. The place had two newspapers, the **Chieftain** and the **People**. In various ways intellectual interests were looked after.

In the early '60's there was but little done to cultivate the fertile soil of eastern Colorado. The myth of the "Great American Desert" died hard. Gradually men came to realize the possibility of reclaiming this semi-arid region by artificial watering. The first extensive irrigation system in the Territory was constructed by the Union colonists around Greeley, between 1870 and 1876. This town was named for Horace Greeley, who contributed largely to the success of the colony. When Nathan C. Meeker first proposed the idea of founding a colony in Colorado, the **New York**

Tribune gave the project an immense amount of free advertising. It may be remembered here that Greeley gave the "Gregory Diggings" some publicity in 1859; he and Richardson did much to stem the tide of the "Go-backs."

Already, in 1869, Evans had been laid out, and not long afterward Fort Collins was started. In 1871 the Chicago-Colorado Colony at Longmont was founded. The early '70's saw the beginning of other colonies—Fountain (Colorado Springs), Rocky Ford, the St. Louis Western Colony, the Tennessee Colony, the Wet Mountain Valley Colony, etc. In the spring of 1874 Sylvester Richardson, a sturdy pioneer, led a colony of Denverites across the Snowy Range into the Gunnison Valley, which was then the home of roving Indians. Three years later, Gunnison County was organized. During these years many new towns were put on the map.

Something may be said as to the character of the people who came to Colorado Territory in the early '70's. For the most part they were not adventurers; among the immigrants were many easterners who may be described as well-to-do people, also many of the Middle West. They came with the intention of staying; they brought their families, purchased land, put up dwellings and stables; they also erected schoolhouses and churches; they brought the seeds of civilization to the dreary plains, the home of the bison and the wolf. "Westward, ho!" was their motto.

In this period Colorado was attracting scientists, painters, sportsmen, tourists and healthseekers. Colorado's climate and scenery were then, as now, among its most valuable assets. "The mountain view from Denver is unsurpassed," says a writer in 1873. "Long's Peak, distant fifty miles, and Pike's Peak seventy-five, loom up as if only a few miles away. Snow on the range is visible the year round." At that time the best known resorts were Estes Park, Boulder, Golden,

Idaho Springs, Colorado Springs, Manitou and Canon City.

It was a red-letter day in Colorado's history when the first railroad, connecting Cheyenne and Denver, was completed, June 15, 1870. Two months later, the first train of the Kansas Pacific entered the City of the Plains. The first rail of the Denver and Rio Grande Railway was laid July 28, 1871. The work of building mountain railroads was now begun, good and earnest, not only by the Denver and Rio Grande but by the Colorado and Southern and other railway companies. In 1876, the Atchison, Topeka and Santa Fe line was finished to Pueblo. The importance of the iron horse as a factor in the development of Colorado Territory can scarcely be over-estimated. Ex-Governor Evans, General William J. Palmer and other masterful men rendered the Rocky Mountain country an important service in bringing transportation facilities to the people of this young commonwealth.

Placer Mining in Early Days

In 1859 and the early '60's the placer camps of Colorado were scenes of feverish activity. The golden harvest amounted to three or four million dollars a year. In 1865 the yield of gold dust fell off to one million, and it was still less the next year. Some quartz lodes were discovered and worked by the pioneer miners. They could do little, however, with the refractory ores in gold-bearing veins. The erosion and oxidization of quartz outcroppings gave rise to alluvial deposits of placer gold. Native gold is one of the subsidiary ingredients of rock which upheavals and volcanic eruptions have brought to the surface. In the lapse of time it is freed from the rocks and deposited in stream beds or in the crevices of ledges. It was this free gold that the Fifty-niners gathered from creeks and rivers and from the adjacent banks. Primitive methods were employed by the Pike's Peakers in getting this treasure of gold dust, that is, by washing or panning auriferous

gravel, sometimes with the "rocker," "sluice box" or "long-tom." Such was placer mining of early days. Gradually the men began working lodes or ledges, using stamp mills (after California models) and Mexican arastras. It is said that a miner in Gilpin County "improved upon the arastras by rigging up a trip-hammer pivoted on a stump, the hammer head pounding quartz in a wooden trough." Then a man named Giles invented another rude contrivance run by water power. Sometimes gun barrels were employed for drills, and rifle powder was used instead of regular blasting powder. In time, skilled miners from Europe came to Colorado, and they more or less successfully pursued quartz or vein mining. Much refractory ore was encountered, however, with which they could do nothing.

The first comers to the mining districts spent vast sums on quartz machinery that did not fill the bill. Experimenting in smelting went on with rather unsatisfactory results, and yet men kept on trying, because with the best stamp-mill of the time they could save only one-half or less of the gold in the ores, wasting all the copper and silver, worth often as much as the gold itself.

The First Smelter, 1868

The pay-dirt in the gulches could be easily handled, but when the Pike's Peakers attempted to follow the veins into the hillsides and to sink shafts, they found that they could do nothing with the hard ores. The problem of extracting the gold in volcanic rock baffled them. This problem was attacked and solved by Nathaniel P. Hill, who is called "The Father of Smelting."

While on a visit to Colorado, in the summer of 1864, Professor Hill took a sightseeing excursion through the mining camps of Gilpin County, where he was impressed by the very wasteful methods of handling ores then in vogue. Crushing quartz in the crude mills of that time did not result in saving much gold; the

greater part of the yellow metal was lost in the "tailings." Many of the Pike's Peakers had already left the failing gulches. They drifted about the mountain country, going to the new diggings in Idaho and Montana, or returning to the States. Mining investments in Colorado were losing ventures in two cases out of three. Things had, indeed, reached a critical pass in Colorado. The time called loudly for the man, but he was not forthcoming among the Fifty-eighters and the Fifty-niners, ingenious men that they were. The stranger who had arrived on the scene was destined to be the master of the situation.

Professor Hill saw the need of reduction works. By fire-smelting he believed he could treat the ores too hard for the arastras of that day. The idea of starting a smelter at Black Hawk took possession of him. In 1865 he visited Colorado again and studied the cause of the success and failure of the pioneer miners. He concluded that a trip abroad was necessary. So, in 1865, he voyaged to Europe to see what the science of the Old World might teach him. The problem occupied him day and night. He learned much. In 1866 he made another journey to Europe, examining metallurgical appliances in the mills of Swansea, Wales, also in Freiberg, Saxony, and other places. He again visited Colorado, full of hope, and made further investigations in the gold camps of Gilpin County. He saw a great contrast between the Old World methods and those of Colorado. This time he was accompanied by an eminent metallurgist, Professor Hermann. A large quantity of gold ore from the Bobtail Mine was lying idle in Central City. This was purchased and hauled to the Missouri River in wagons (there being no railroad then across the plains) and shipped to Swansea. Hill and Hermann experimented with this ore and finally succeeded in extracting the gold in it by melting the rock in furnaces.

The results were encouraging, and Hill forthwith

set about the task of organizing a company of Boston and Providence capitalists to engage in smelting in the region around Black Hawk. That was in 1867. The financiers became interested in the project and eagerly subscribed the necessary capital, $275,000, and a plant with two furnaces was built. It was opened in January, 1868, and the enterprise was a success from the start. That was the beginning of a new era in the mining industry.

At first the ores were concentrated by smelting in the Black Hawk establishment, and the enriched product was then sent to Swansea. In 1873 the mill was enlarged, with more complete facilities, sufficient to separate and refine metals in complex ores. This was an important step in the smelting business of the West. The same year branch works were opened at Alma, Park County. The capital of the Boston and Colorado Company was increased to $500,000. A metallurgist of long experience, Professor Richard Pearce, became connected with the smelters, and to him belongs a part of the credit of making the enterprise a success. Further improvements in methods followed. The business grew. The building of these mills and other smelters gave a wonderful stimulus to lode mining. The increased production of the precious metals after 1868 saved Colorado in the lean years of the grasshopper raids, 1873-6.

The Fight with Grasshoppers

The locust has been a pest to farmers of Asia, Africa, Europe and America from a time when the memory of man runneth not to the contrary. When Edwin James and his comrades of Long's expedition were on the summit of Pike's Peak (July 14, 1820) they "were surprised to observe the air in every direction filled with such clouds of grasshoppers, as partially to obscure the day." Fremont, on his first expedition (1842), learned that the Sioux had gone on the warpath, but were obliged to abandon the quest for scalps and ponies

because the hordes of locusts had eaten all the grass and the red men's horses could get no subsistence. History tells of other visitations of destructive swarms of hoppers on the plains east of the Rockies. Armies of the red-thied insects appeared in Colorado in 1861 and 1862. Agriculture was then in its infancy on the Eastern Slope, and the voracious locusts moved on. There was another plague in 1864, when "the heavens seemed to open and grasshoppers poured down by the countless millions, yes, by the million bushels," as one pioneer puts it. It was a severe trial for the few Colorado ranchers of that time, and yet not very much harm was done, because wheat and other grains had been harvested. The swarms of migratory locusts did some damage the following years, notably in 1867. It was not until 1873, however, that the hoppers became a terrible nuisance here. The injury done to Colorado crops by Rocky Mountain locusts that year and in 1874-76 cannot be exactly computed. The flying, hopping insects were possessed of an insatiable appetite, and devoured every green thing in their path. There were untold myriads of them, and the loss to Colorado ranchers during those four seasons, 1873-6, may have reached ten million dollars. The damage was far greater in Kansas and Nebraska, whither the greedy insects winged their swift flight from here.

In the '60's the ranchers of Colorado could do nothing effective to combat the insects that ate up the crops. The settlers of the '70's determined to get rid of the pests that left famine in their wake. They fought their hungry foes, and science aided them in the hard struggle. The grasshoppers had their breeding places in the mountains between Pike's Peak and Fort Bridger, and there seemed to be no end of their invasions. As a result, many ranchers in eastern Colorado gave up in despair; they sold out their holdings for a trifle and departed. Others resolved to stay and fight the fell scourge. They resorted to various devices and meth

ods, both aggressive and preventive. Large branches of trees were dragged by horses over the ground, driving the insects into irrigating canals where they came in contact with coal oil and perished in immense numbers. "Hopper-catchers" were invented, and chemicals tried. Crops were sprayed with arsenites and petroleum mixtures. Some pieces of infested ground were burned over or plowed under. An "enemy fly" attacked the locusts. Chickens, turkeys and other fowls ate up vast quantities of hoppers, and game birds did their share. Finally a parasite bored its way into the vitals of the locust, and the long fight was won. Pioneers shudder as they recall the horrors of "the grasshopper years."

Social and Educational Advances

Happily, some milestones of progress in this gloomy period may be recorded. The organized public school system of Colorado had its beginning in 1861, with the appointment of William J. Curtice as Superintendent of Public Instruction. Before that Denver had three private schools. Boulder had a public school in 1860. Among the pioneers of '59 and '60 were numerous college graduates, and they appreciated the value of institutions of higher learning. In 1864, "Colorado Seminary" was opened; that was the beginning of a school that afterward became Denver University. Loretto Academy in Denver dates back to the same year.

In 1868, the Penitentiary was established at Canon City, and the School for the Deaf and Blind was started at Colorado Springs in 1874. In the latter year the School of Mines at Golden began its career. In 1875-6 preparations were made for opening the State University at Boulder and the Agricultural College at Fort Collins. In 1874, Colorado College was founded at Colorado Springs.

Some figures culled from educational statistics of Colorado Territory in the year 1875 are interesting.

Because of incomplete returns, they are only approximate. Of Colorado's entire population that year, estimated to be sixty thousand, 23,274 persons were of school age, and only about half of them were enrolled as pupils in the public schools, while the average daily attendance was less than eight thousand, or one for every eight inhabitants (in the twenty-four counties of that time). The number of schools was 280 in twenty-four counties (there was no report from one county). The number of teachers was 377. The number of school houses was 172. Denver, Central City, Black Hawk and some other towns had graded schools. There was no high school here as yet. The Denver schools had an enrolment of 1796 in 1875. The value of all school property in 1875 was $414,008. The total school fund for the school year 1874-5 was $247, 179.

In 1874 the first notable discovery of cliff dwellings in southwestern Colorado was made by a party of Hayden's Geological Survey. The reports of Jackson and Holmes, who explored Mancos Canon and other portions of that wonderland, created a sensation.

The Heroic Age of Colorado History

The eighteen years, 1858-1876, may be called the heroic age of Colorado history. Pioneering in Colorado was anything but a picnic; it developed the heroic in many of the Pike's Peakers. Roughing it in the wilds made them strong, rugged men. The first comers into the virgin wilderness endured privations; they ran risks of drowning in treacherous mountain streams; they braved hardships of weather; they faced perils of instant death by snowslides, and some perished in snowstorms; they faced dangers from grizzlies and redskins. The prospectors and miners of early days in Colorado met with many adventures; they saw the seamy side of life. Only a few were successful in winning riches. Fortune was apparently capricious in distributing her favors. It took stout hearts to bear up under the disappointments of a miner's life. To this day there is the

hazardous element in underground enterprises. The average prospector's life, however, had its bright as well as its dark side. There is a fascination in the quest for gold, and hope springs eternal in the breast of the gold-hunter who finds signs of the royal metal in arroyos or in the dun-colored ledges that crop out of the mountain sides. When he made a lucky strike he was happy, but long experience taught him that not all is gold that glitters.

The pioneer miners had their ups and downs, but they knew how to meet losses and reverses without being crushed. Many of their discoveries turned out to be knife-blade seams of gold and pockets instead of bonanza deposits, yet they kept at it hopefully and heroically. There was something in the mountains around them that put strength and courage into them. The placer miners of Colorado Territory absorbed something of the spirit of their surroundings. They drew from the hills and the peaks the inspiration for big things.

Grace Greenwood, who visited Colorado in 1871, paid this touching tribute to the miners of Black Hawk:

"Here heroes have grappled with the hardest and dreariest conditions of life; have wrestled with Nature for the possession of the secret so cunningly hidden for uncounted centuries; splendid minds have burrowed in these tunnels; great, loving, homesick hearts have toiled for love's and home's sake, down in these dark shafts; have toiled till they broke. Rich as is all this wonderful region in silver and gold, it is yet richer in the heroic and pathetic elements of human life—in the strength and tenderness, courage and self-sacrifice whose history can never be written. These are the best treasures of this rude mountain land; no human assayer can value them—no scales are fine enough to weigh them—imponderable, yet imperishable are they."

The agricultural colonists who came to Colorado in the early '70's found discouragements enough; they

suffered from drouth some seasons, and they were plundered by locusts. The whole country saw hard times in 1873 and 1874, but Colorado was peculiarly hard hit, and it took longer to recover from financial distress.

What are the qualities that make for success in a new country? The ability to hang on, to be a good loser, to try again. Says a rancher who gained wealth: "Any man with the will can do what I have done. It is only a question of keeping everlastingly at it and using gumption as well as grit."

But the long siege with grasshoppers, year after year, was too much for many Colorado farmers. They got discouraged and left for the Black Hills or they chased the will-o-the wisp of fortune in other places. Some of them missed it in not staying. They sacrificed their holdings for a mere trifle. The ranches they disposed of for ten or fifteen dollars an acre are now worth a hundred or two hundred dollars an acre.

Others were hopeful and full of courage, notwithstanding reverses and difficulties. Men were tried as by fire, and yet they survived the ordeal.

Frontier life had its pleasures as well as its inconveniences. Life to the pioneer was a splendid and rich adventure. Most of them lived in log cabins or rude shacks. Some of the plainsmen and mountaineers of early days occupied dugouts and "soddies," as the little sod houses were called. The 'dobe, too, was to be seen. The dwellings of the Pike's Peakers usually were of one story and had no more than two or three rooms, plainly furnished.

The Fifty-niners endured hardships and privations. We talk about high prices, and yet many things are cheaper to-day than they were a half century ago. In 1866, sugar sold at fifty cents a pound, and tea at $4 a pound. Flour retailed at $20 a sack (fifty pounds). There were times when wagon freighters could not cross the plains, and then the settler suffered from lack of

food. However, he had venison and pemmican, which are rare luxuries in these days, and he hooked delicious trout in the streams and lakes. The man who lived on such fare enjoyed good health. He could tramp the wilderness fifty miles from sun to sun. The rancher's wife did not have many of the comforts of the modern household. She was often left alone and learned to depend upon herself, meeting every emergency with true pioneer spirit. The hard experiences of the pioneers nerved them to sublime endeavor. The boys and girls of Territorial days missed some of the advantages of the youngsters of to-day. In the '60's schools were few and far between, and the pioneer's children grew up with little chance to learn about the "three r's."

The Coloradoans of early days made a creditable record. Their achievements at home are not only noteworthy; they contributed to the development of other Rocky Mountain commonwealths. The struggles that they had to go through brought out the best in the pioneers and in the settlers of the early '70's. They thought of something besides making money; at least, some of them did. They kept alive the traditions of culture; they prized not only material, but spiritual advancement.

Indian Affairs

By the treaty of Fort Laramie, 1851, it was stipulated that the Arapahoes and Cheyennes should have the country north of the Arkansas River and east of the Rocky Mountains, but before the Indian title was extinguished by the Treaty of Fort Wise, 1861, the pioneers had intruded on the tribesmen's domain. When multitudes of palefaces took up their abodes in the Pike's Peak region, trouble was bound to come. The interests of the two races conflicted; each wanted a monopoly of the country. Both were selfish and unfair. The Indians were not, however, the first aggressors. At first the natives were friendly; they tolerated the paleface. The red men wanted a big country to roam over;

the white men wanted to cultivate it.

Matters reached a crisis in the time of the Civil War. The United States troops were withdrawn from the frontier; they were needed to fight for the Union. This was Poor Lo's opportunity, and he was urged to improve it by emissaries from the South. A conflict was brought on, and in the end the stronger triumphed, not always justly. Both sides were to blame for it.

Things went on from bad to worse in 1863. There was friction when the military used force to disarm the warriors. Little Raven and other Arapahoe chiefs held back when the Cheyennes, Kiowas and other plains tribes were planning a general uprising. The situation was bad enough in the spring of 1864, and the summer months were times of great excitement and anxiety. For hundreds of miles along the Platte the redskins virtually held possession of the road; stage travel was interrupted, mails were delayed, and at times freighting ceased. Still, the freighters were seldom disturbed; they moved across the country in large bodies, and were usually well armed. In that memorable summer there were many travelers and plainsmen who had thrilling adventures with war parties. A number of immigrants and settlers were murdered and scalped. Provisions began to get scarce in Colorado, where fabulous prices were paid for flour, bacon and sugar. The growth and progress of the Territory was arrested, and the future of Colorado looked dark.

Meanwhile the friendly Indians were directed by Governor Evans to rendezvous at Forts Laramie and Lyon and Camp Collins for safety and protection. Not many came in, except Chief Friday's band of 175 Arapahoes, who took up their residence at Camp Collins. In September, 1864, a council was held at Camp Weld near Denver, where a number of influential chiefs of the Arapahoes and Cheyennes were present. After the conference Little Raven showed his good faith by bringing many of his band to Fort Lyon, where a large

number of Cheyennes under Black Kettle were camped for a while. These refrained from fighting. There were some unruly bucks, however, both Arapahoes and Cheyennes, who were still out on the warpath, and a few of these happened to be present in the peaceable camp on Sand Creek, whither the friendlies had gone from Fort Lyon to hunt buffalo on the Divide. Here occurred that unfortunate event sometimes referred to as the "Chivington massacre." When looked at in the most favorable light, it was a colossal blunder.

The most notable of the sanguinary affrays between the whites and the plains Indians was that of Sand Creek, fought on November 29, 1864. A battalion of some nine or ten hundred mounted soldiers, led by Colonel John M. Chivington, attacked a village of Black Kettle's band of Cheyennes and a small encampment of Arapahoes under Chief Left Hand, who was killed with most of his warriors. More than a hundred Cheyennes were slain, including many squaws and papooses.

In retaliation the savages of the plains made common cause against the whites. The tribesmen committed innumerable depredations and atrocities. A peace conference was held in October, 1865, and a treaty of peace was signed. The following year saw a marked improvement of conditions on the frontier. Then the Fetterman massacre occurred (in December, 1866), and hostilities were renewed in 1867. With the view of chastising the Indians, General Hancock burned a village of peaceful Cheyennes. A bloody conflict ensued, costing many millions of dollars, an immense amount of property was destroyed, and over three hundred soldiers lost their lives.

The Pike's Peakers, unlike the Mormons, thought force was to be used to reduce the red men to subjection and locate them on reservations somewhere outside of Colorado. As for the good Indians—there were some tribesmen who remained peaceable—they were urged to move on to make room for white settlers. As

the buffalo had to give way to cattle, so the copper-skinned savage had to give way to a new order of things, much against his will.

From time immemorial the main dependence of the plains tribes for food was buffalo meat. In the '50's and '60's bison were numerous on the prairies—there were millions of them. In the fall large numbers of the shaggy beasts were almost always in sight, hugging down to the rivers and creeks; they could be seen loitering and feeding in groups on the grassy knolls or hollows of the great plains. There were times when herds seemingly endless in extent moved across the landscape. Those were halcyon days for the Indian hunters, and they improved them, killing what buffaloes they needed, and no more; they did not murder for sport. When returning from their hunting excursions, their ponies were loaded down with buffalo meat that had been dried for future use. This pemmican, sometimes called "jerked buffalo," was hung up in the tepees, and became the savage's mainstay in winter. The hides were turned to account for tepees and for clothing.

Now a change had come—it was a revolution. Cowboys rode the range, guarding immense herds of cattle, and ranchers had begun the conquest of "The Great American Desert." By 1872 the buffalo region had been penetrated by three railroads, and pot-hunters were abroad, getting in their destructive work. The following year herds of bison were few and far between, and the plains Indians were confronted with a serious situation. Primitive man in North America found it no easy matter to wrest a livelihood from Nature. Life was a struggle. With the buffalo gone, how was the nomad hunter to find subsistence? He had to steal and beg.

It would require a volume to tell the story of the warring Indians of the West during the decade 1867-76. In 1868, the confederated Arapahoes and Cheyennes

concluded to make another stand for their country against the oncoming hordes of irritable aliens who wanted the earth. The Union Pacific and the Kansas Pacific Railroads ran through the heart of the choicest hunting grounds on the continent. The red men "recognized in the railroad the forerunner of civilization. Naturally they fought with all the desperate ferocity of savages driven to bay." There were other plains tribes besides the Arapahoes and Cheyennes involved in the sanguinary struggle. By the time the grass was tall enough to pasture their ponies the warriors made a supreme effort to turn back the advancing tide of white men. It is said that there were over 15,000 braves on the warpath in the summer of 1868, harassing railroad builders and slaying settlers, stage drivers and teamsters.

At first there was fighting in Kansas. Eastern Colorado was also infested by bands of audacious warriors who hung about the settlements and drove off the stock in broad daylight. So swift were the movements of the mounted braves that the army never could catch up with them. Therefore, a company of fifty scouts were organized under Colonel George A. Forsyth to pursue the elusive redskins. This little company of picked frontiersmen was nearly overwhelmed in the battle of Beecher Island, fought September 17-25, 1868. The scouts were attacked by a large force of Arapahoes, Cheyennes and Sioux, upward of eight hundred warriors, of whom seventy-five were sent to the Happy Hunting Grounds. The celebrated war-chief, Roman Nose, was fatally wounded while leading a gallant charge of mounted braves.

Some months later Black Kettle's camp on the Washita was surprised by Custer, who vaingloriously reported that over a hundred men were killed, among them Black Kettle. According to the Indians, about forty of their people were slain. They were, however, given effective punishment. Left Hand and his war-

riors made their last stand in this engagement. After that he did not care to buck against the United States troops, although he had the reputation of being considerable of a war chief among the Arapahoes. He observed the soldiers' way of fighting and tried to imitate the tactics of the military. "They came in a body," he said, "and were so much stronger than the Indians." He realized that their cause was a lost cause, and he tried to keep out of the way of the army thenceforth. The Arapahoes were driven from one place to another. It was a losing game, and at last they submitted, that is, the majority were peaceful, unlike the more warlike Cheyennes, who had been their brothers and made war with them for a century or more. President Grant had a great influence over Left Hand, who visited Washington in 1869. After an interview with the White Father, Left Hand was a changed man. "The president gave me a new way of living and a new road," he said. He tried thereafter to get the children into school and to have the young men engage in farming. He was more progressive than the head chief, Little Raven.

In 1869 the majority of the Southern Arapahoes voluntarily took themselves away from Colorado and Kansas and settled down on a reservation in Oklahoma. Many of the Southern Cheyennes also smoked the pipe of peace and slowly took to new ways on the reservation assigned to them. Some of the turbulent Cheyennes, however, continued marauding and hostile acts in the early '70's. After a long, desolating war, they and other hostiles, Kiowas and Comanches, gave up the vain hope of "driving the whites out of their country." The palefaces were too strong for them.

It took five or six years more of fighting and harrying to bring the remnants of the war-loving bands of Northern Arapahoes to terms. Finally the few hostiles were rounded up by the military. In 1876 the tribesmen were placed on the Wind River Reservation in

Wyoming. The Northern Arapahoes are neighbors to their ancient enemies, the Shoshones.

The Kiowas were settled on a reservation in Oklahoma, and have made progress toward civilization, many of them being converts to Christianity. Much has been done to educate and improve the descendants of the Arapahoes and Cheyennes who formerly roamed the plains of eastern Colorado. They have schools and churches and farms on their reservation in Oklahoma.

STATE PERIOD, 1876—

On August 1, 1876, Colorado was admitted as the Centennial State. It got that nickname from the centennial celebration held that year in Philadelphia in commemoration of the signing of the Declaration of Independence. In 1864-5 efforts were made looking toward statehood, but they came to nothing. Because of the small population and the not over bright prospects of Colorado at that time, it was just as well for the Territory not to gain admission to the sisterhood of States then. The event evoked no special enthusiasm when it did occur, for the life of the commonwealth was then at a low ebb on account of the devastation wrought by grasshoppers for four years in succession. Fortunately, the dawn of a better day was at hand. The enabling act was passed in Congress in 1875, and a constitutional convention was held in December of that year. The constitution was adopted by the people of Colorado July 1, 1876.

Colorado was the thirty-eighth State. In 1876, it had only twenty-six counties: Arapahoe, Bent, Boulder, Clear Creek, Conejos, Costilla, Douglas, Elbert, El Paso, Fremont, Gilpin, Grand, Hinsdale, Huerfano, Jefferson, Lake, La Plata, Larimer, Las Animas, Park, Pueblo, Rio Grande, Saguache, San Juan, Summit and Weld. At that time the chief towns were Black Hawk, Boulder, Breckenridge, Canon City, Central City, Colorado Springs, Denver, Evans, Fairplay, Fort Collins, Georgetown, Golden, Idaho Springs, Julesburg, Kit Carson,

Las Animas, Longmont, Pueblo and Trinidad.

The first election for State officers was held October 3d, and John L. Routt was the people's choice for governor. The first State Legislature met at Denver in November. The first member of Congress from Colorado was James B. Belford, and the first senators were Jerome B. Chaffee and Henry M. Teller, all of them Republicans.

By act of the General Assembly, in 1877, the Territorial Seal, with slight changes, became the State seal. It is a very happy design. Beneath the heraldic shield is the motto, Nil sine Numine, "Nothing without Divinity," that is, no institution, no society, without God in it. The recognition of a power above and beyond us is necessary for idealism. Without ideals the nation and the State would perish. At the base of the shield are the pick and mallet, symbols of the mining industry, which was then and long afterward Colorado's leading industry. In the upper part of the shield are three snow-capped mountains, which represent the principal ranges, with their grandeur and hidden wealth of gold and other metals. The peaks convey a hint of Colorado's great natural resources, also of the sublimities that have left their impress on the character of the Colorado people. Above the shield is the blade of justice and the bundle of fasces, which suggests the sentiment: "United, we stand; divided, we fall." This idea is reinforced by the words on the scroll, "Union and Constitution." Herein is an echo of the conflict that rent the country in 1861, when the Union and the Constitution were imperiled, and this inscription indicates how Colorado stood then on this vital question. Over all as a crest is the sleepless eye of the Eternal One, which recalls the Scriptural passage, "Thou God seest me." So we have at the bottom and at the top of Colorado's seal intimations of the underlying belief of Christianity, the Divine above and in us, shaping our conduct as individuals and citizens, and the thought

of Providence, the interchange of the other world and this, which ennobles life. The influences emanating from God are symbolized in the golden rays proceeding from the triangle above the eye.

Colorado's State House

In the '60's Colorado City and Golden were at times nominally the capitals of Colorado. However, Denver asserted her supremacy and became the permanent capital of the Territory and the State. The State offices and the Legislature had temporary quarters in various buildings for upward of a score of years.

The cornerstone of the Colorado Statehouse was laid July 4, 1890. In 1895 the Tenth General Assembly met in the new Capitol building, which was then not completed. Some of the decorative details were not finished until the year 1900.

The Capitol was built of Gunnison granite and of native onyx; the cost exceeded $2,500,000. The edifice is of the Doric order of classic architecture, with Corinthian ornamentations. The architect was Mr. E. E. Myers of Detroit. The building is 384 feet long, 313 feet wide, and 102 feet high from the ground floor to the cornices. The distance from the ground line to the top of the globe on the dome is 276 feet.

The Statehouse stands on a rise of ground in East Denver, one mile above sea level. The site, ten acres, was the gift of Henry C. Brown. The dome of the rotunda contains colored portraits of sixteen historic worthies: William Gilpin, John Evans, Bela M. Hughes, William N. Byers, Nathaniel P. Hill, Alexander Majors, Kit Carson, John L. Dyer, Chief Ouray, Jim Baker, James W. Denver, William J. Palmer, Mrs. Frances Jacobs, Casimero Barela, Richard G. Buckingham, and Benjamin G. Eaton.

The Progress of Forty Years

Considering the circumstances, Colorado made substantial progress in the Territorial period, but its development as a State during the past forty years has

gone far beyond the expectations of the pioneers. Great is the contrast between the Colorado of 1876 and of 1916. In 1876, Colorado's population was about fifty thousand; it is now over a million. In 1876 Colorado had no large cities. Denver then had no more than ten thousand people; it now has a quarter of a million. In 1876, Boulder, Canon City, Greeley, Fort Collins, Pueblo and Colorado Springs were small towns.

The Mining Industry

First and foremost of the industries of early Colorado was mining. Digging gold was about the only occupation of most Coloradoans the first decade of Colorado history. First there was the era of placer mining; then of quartz and lode mining, which picked up after the opening of the smelter at Black Hawk in 1868. From that time the production of the precious metals steadily increased. In '59 and '60 the country heard a good deal about the "Pike's Peak gold district." The fact is, those were the days of small things in mining. Colorado's gold production previous to 1870 was only about twenty-seven million dollars, and the output of silver up to that time was slightly over three hundred thousand dollars. After 1870 the yield of the gold and silver mines of Colorado Territory was from four to five millions annually. Up to 1876 they had produced about fifty-five millions' worth of the yellow and white metals. Contrast that with the production of gold and silver since 1876. During the forty years, 1877-1916, it amounted to one billion dollars, the output of gold being $561,000,000 and that of silver, $439,000,000 (in round numbers). The yearly production of Colorado's gold mines increased from three million in 1877 to twenty-seven million in 1900. For a number of years Colorado's golden harvest exceeded that of California. Of late years it has been declining, and now California is again in the lead as a gold producer. California is rightly named the Golden State, for its yield of the royal metal has amounted to more

than a billion and a half since 1848. Colorado, however, leads in silver. Its yield of copper, lead and zinc has been considerable; and it ranks high as a coal producing State. Colorado's mineral production, including oil and other products besides the precious metals, exceeds two billion dollars.

Colorado is sometimes called the "Silver State," and it fairly earned the name, which is also applied to Nevada. During the period of eighteen years, 1877-1894, Colorado's output of silver exceeded that of its gold. The harvest of the white metal in those years amounted to about $260,000,000. The annual production of gold in those years was from three to nine million, while that of silver was from four to twenty-three million. Silver mining was at its height in the early '90's.

During a period of sixteen years the Centennial State saw flush times. Then came the panic of 1893, the market price of silver fell, and a long spell of financial depression followed. The stagnation of the silver industry was partly the result of the closing of the mints of India. Colorado was harder hit by the demonetization of silver than any other State. Leadville staggered under the blow. Then the enterprising citizens of the Carbonate City turned their atttention to gold, lead and zinc. Notwithstanding the strike of 1896 and 1897, the mining industry picked up in Lake County. An exciting episode in Colorado's political history was the fight for free silver in the presidential campaign of 1896. Both parties in this State were then as one on the silver question. Those dull years saw the beginning of the development of some of Cripple Creek's most productive mines. This "three-hundred-million-dollar cow pasture" is the most colossal Golconda ever found in Colorado or any other part of the Rocky Mountain country. In those years Creede and Ouray were also contributing to the wealth of Colorado, to say nothing of other mining camps. Of late years

the production of molybdenum and other rare metals has exceeded twenty million dollars.

The Rise of the Cattle Industry

The '60's saw the beginning of the cattle industry in Colorado; in the '70's it grew to vast proportions; the business reached its height in 1883, or about that time. It is said that there used to be more cattle in the State then than now, the number being estimated as high as two million head, which is doubtless an exaggeration. No government census figures are available for verifying the newspaper estimates of 1882 and 1883. For a score of years, at least, cattle raising flourished on the plains of eastern Colorado, also in the mountain valleys, notably in North, Middle, South and San Luis parks. Those were the days of the "Cattle Kings." Some of them owned immense ranches, on which fed enormous herds, representing a capital of tens of millions of dollars; they employed thousands of herders or cowpunchers. In the '70's Larimer was the leading county in stockgrowing, which was then the chief industry in Las Animas, Bent, Pueblo, Douglas, Elbert, Weld and other plains counties. With the expansion of the Republic, due to immigration from foreign countries and the building of transcontinental railroads, the influx of settlers gradually reduced the area of the open range; the herds of beef cattle dwindled, and the number of dairy cows increased. In the late '80's and in the '90's irrigation farming took a great stride forward, and the cowboy found his occupation gone in many sections. He is still to be found on the Western Slope, where the cattle industry grew to large proportions in the '80's and '90's. It is still thriving there and in the mountain valleys, whose nutritious grasses make the best beef in the world. The past score of years has witnessed the transformation of eastern Colorado by irrigation and "dry farming." The rancher finds it more profitable to plow his land and plant field crops; he makes more money by selling butter, milk or

cream than he would by raising beeves for the market. The invention of the separator has been a great boon to dairy farmers. They also grow sheep, hogs, poultry and bees to advantage. Some of them diversify their products by planting orchards and raising small fruits. The day of the big cattle ranch is passing.

Agriculture in Colorado

Colorado is not a great farming State like Iowa or Illinois. However, hay (especially alfalfa), grain and potatoes are grown here successfully. Colorado leads all the States in the area planted to sugar beets. "Dry farming" is making headway in many localities of the Centennial State. Between four and five million acres are under cultivation in Colorado. The gains in agriculture during the past forty years are shown in the increased value of farms, as follows: $5,223,000 in 1870; $41,991,000 in 1880; $117,439,000 in 1890; $161,045,000 in 1900; and $491,471,000 in 1910. In other words, the advance was a hundred fold in two score years. The value of our agricultural products varies year by year from ninety to one hundred million dollars.

Manufactures of Colorado

Colorado is not a great manufacturing State. Pueblo is sometimes called the "Pittsburgh of the West." There are some factories in Denver and other cities of the State. We have some large smelters, and in the manufacture of beet sugar Colorado leads all the States of the Union, the mills turning out enough sugar for home consumption, also for the people of several other commonwealths. In 1880 there were about six hundred manufacturing establishments in Colorado, with a combined capital of $4,311,000 and 5,074 employees. In 1909 Colorado had 2,034 manufacturing establishments, employing 28,067 wage earners; the value of the products was $130,044,000. The value of our manufactures in 1916 was probably as much as $200,000,000.

Spiritual and Intellectual Gains

In this period the religious denominations made tremendous gains; they built many churches and missions, and widened the area of their activities in various directions. The Baptists founded Colorado Woman's College, and the Presbyterians started Westminster College. The Catholics engaged in numerous educational enterprises. Spiritual forces kept pace with material agencies or did not lag far behind. Art and architecture were given some attention and encouragement. The love of music was fostered. Museums and public libraries were established. The spirit of man expressed itself in poetry and prose of high literary value.

Humanitarian impulses had some place in the life of the community. Reformers and altruists, both men and women, erected hospitals for the relief of suffering, and public-spirited citizens supported other institutions for the uplift of society. Nor should the struggle for industrial betterment be forgotten; something was done to secure justice for the workers. There were some Coloradoans who cherished ideals and tried to live up to high ethical standards. Various organizations in one way or another contributed to the progress of refinement or were factors in character-building. So this imperial commonwealth moved forward in the direction of civilization.

The efforts of the teacher have counted for much, not only toward the intellectual training of the young but for the improvement of conduct. Colorado is not only the most populous of the Rocky Mountain States; it has a higher percentage of literacy. The rising generation is well instructed. The importance of the public school is recognized. The quarter of a million dollars expended for the schools of Colorado in 1875 looks small in comparison with the disbursements of 1915 for teachers' salaries, fuel and other current expenses of the public schools, amounting to $6,207,651 (to say

nothing of money spent for school libraries and other items). In the year 1915 the number of persons of school age (6-20) was 237,264; the enrolment, 184,471; average daily attendance, 134,758; number of high schools, 171; number of schoolhouses, 3,099; number of teachers, 1915-1916 (in both graded and rural schools), 6,573. In many ways the schools of to-day are better than the schools of Territorial days. In the teaching body professional efficiency is emphasized more than in the early days, especially since the school for teachers was opened in Greeley. The work of standardizing the schools means much for education. Educators of the present do not, and should not, limit their labors to the instruction of children in the schoolroom alone; they should esteem it a privilege to enlighten public opinion; they should remember that it is their duty to help Colorado, as they can by observing Arbor Day and by encouraging their pupils to plant gardens, also by having the boys and girls of the upper grades write Colorado essays. In short it should be the aim of the teacher not only to impart book knowledge to their pupils but to arouse in them an enthusiasm for Colorado, to get them to feel a pride in their State and the achievements of illustrious Coloradoans.

Some of the notable occurrences of Colorado annals in the past two score years may be singled out. In 1877, valuable deposits of lead-silver ore were found in Lake County, and a stampede to Leadville followed; the building of the Grant smelter there is an event comparable in importance with the founding of the smelter at Black Hawk a decade earlier. In 1881, the Utes were removed and their reservation in western Colorado thrown open to settlement by the whites. In 1890, the Eldorado of Cripple Creek was discovered by Robert Womack. In 1893, the right of suffrage was extended to women. In 1899, Coloradoans engaged in beet-sugar culture, which has grown into a great industry. In 1904, the U. S. government began work on

the Gunnison Tunnel project, which supplies water for over 100,000 acres in the Uncompahgre Valley. In 1914, the prohibition amendment was adopted, and a year later the people of our State passed through a social upheaval whose results are far-reaching. In 1915, the Rocky Mountain National Park was dedicated. This year a law was enacted, creating an Industrial Commission for the settlement of disputes between employers and employees. In the summer of 1917 a special session of the Legislature was called to pass financial measures relating to Colorado's part in the European war.

The transcendent event of American history in the year 1917 was the entry of the United States into the great world war. On April 6, our government declared war on Germany. Forthwith preparations were begun on a gigantic scale to increase the army, also to train and equip it for oversea duty. In round numbers, there were thirty-one thousand men drafted in Colorado, including some voluntary enlistments. About twenty thousand of these served in the American Expeditionary Forces in Belgium, France and elsewhere in the Allied countries. Colorado's quota was nearly one per cent. of the entire American army, 3,441,000 men, of whom about two million were in France. It is to be remembered, however, that there were some Coloradoans who went abroad and aided the Allied cause in one way or another long before American troops were operating in Belgium and France; they were adventurous spirits who had in them something of the spirit of Lafayette. Theirs was "the wider patriotism" that gratefully recognizes our debt to France, and, like crusaders of a newer time, they rushed to the rescue of invaded Belgium.

Whether volunteers or drafted men, the great majority of the Colorado officers and privates that were units in the American Expeditionary Forces were soldiers of liberty. They displayed the heroic spirit of

self-sacrifice. They were actuated by a desire to ward off impending danger from their own land, also to save freedom and civilization for mankind in the ages to come. They were moved by a humanitarian impulse that may be called loyalty to the world. There are three loyalties: (1) Loyalty to our State, duty to the commonwealth in which we live and attachment for it; (2) loyalty to the nation, love of country, patriotism; and (3) loyalty to the world, to be interested in the well-being of the human race, to have an international outlook, the cosmopolitan spirit.

The European war was begun in the summer of 1914, and we kept out of it nearly three years. Then public indignation, roused by Teuton atrocities, brought us to the breaking point, and the Republic took the fateful step. A liberty-loving people, we could not help seeing that the extension of despotic imperialism from Germany into republican France was fraught with danger to our own country. It was our duty to take up arms against an oppressive oligarchy that was a menace to equality and freedom for all men. Prussian autocracy threatened the perpetuity of democratic institutions in America. Believing that might does not make right, we went to war that "government of the people, by the people, for the people, should not perish from the earth."

The splendid adventure that our soldiers entered upon is sometimes called "the new chivalry." It was a noble cause for which they fought, for which many made the supreme sacrifice, offering their lives on the altar of liberty. As a result of their efforts and the efforts of the gallant Allies, something was gained by the forces fighting against autocracy; they won the victory over Prussian imperialism. Success was due to the united endeavors of the citizenry and the military, for the men, women and children at home furnished the sinews of war.

The United States was at war with Germany one year, seven months and five days. It was a tremendous struggle in which our people engaged. Thousands upon thousands of the civilian population of the Cen-

tennial State contributed to the success of the Allied cause. Such organizations as the Boy Scouts, Campfire Girls, the Red Cross and other workers in many ways did their bit and helped win the war as well as did those who showed bravery on the firing line. The war spirit pervaded civilian activities to a marked degree; it changed the whole way of life for many members of the community.

One outstanding feature of Colorado's part in the mighty conflict was the campaign to popularize gardening in backyards and vacant lots of cities and towns. The importance of an augmented production of wheat, sugar and other foodstuffs was emphasized. Colorado's bean acreage was increased sevenfold. Coloradoans showed patriotic zeal in their efforts to save food that flour might be sent abroad. Their acts of self-denial enabled the fighting men in Belgium and France to carry on a successful campaign against the foe. One act of the special session of the legislature, July, 1917, was the passage of a $2,500,000 bond issue. Four Liberty loans were subscribed, the amounts obtained aggregating $115,010,000, and the sales of War Savings stamps exceeded thirteen million dollars. A half million dollars was raised for war work by the Y. M. C. A. A Red Cross war fund of $3,354,000 was collected. The Colorado membership in the American Red Cross was increased by 155,000. Credit for war work should be given the churches and the Salvation Army

Educators found themselves confronted with new tasks. The study of European geography was given an extraordinary impetus. Classes of grown-up persons learning French were largely attended. The "Marseillaise" was frequently sung and played on public occasions; so was the Belgian national hymn, "La Brabanconne."

The greater number of the Colorado recruits of 1917 were in training camps in different parts of the country for six months or more. Some of them sailed for oversea service in the winter, and others in the spring of 1918. They were in training at various camps in

France two or three months, then they were actively engaged in three drives—Chateau Thierry, Soissons and Argonne Forest. Their presence put life and hope into the British and French troops, whose morale was ebbing fast until the arrival of American troopers, infantrymen and artillerymen. Colorado men fought magnificently in the Aisne-Marne offensive, also in the St. Mihiel offensive, which saved Verdun. They demonstrated their prowess in the military operations of the fall, serving without rest until the armistice of November 11 ended hostilities. General Pershing publicly thanked the brigades of which the Colorado soldiers were members and highly commended their valor. Some Colorado men served in Siberia, and our sailor boys helped win Freedom's battle Some of the Colorado soldiers were with the army of occupation in Germany and on the Rhine in 1919. The heroic record of our boys in khaki is a matter of pride to every public-spirited person of this commonwealth. Their efficiency was due to superior equipment and the spirit of the men.

In the fall of 1918 Colorado was ravaged by the influenza epidemic, which took a heavy toll of death.

The republicans won the election of 1918. The chief State officers are: Oliver H. Shoup, Governor; George Stephan, Lieutenant Governor; James R. Noland, Secretary of State; H. E. Mulnix, State Treasurer; Arthur M. Strong, Auditor; Mary C. C. Bradford, Supt. of Public Instruction; and Victor E. Keyes, Attorney General.

The year 1918 was marked by a large influx of immigrants, mostly Americans from other States, who settled in eastern Colorado and in the cities and towns. There were many new settlers in 1919. The Mexican population in the State was considerably increased. The cities had a great building boom.

War times were accompanied by inflation of prices and by prosperity for the majority of the workers in the State. The after-war period was characterized by industrial unrest, due partly to the high cost of living.

Strikes of street-railway employees, miners and other laborers were of frequent occurrence in the latter part of 1919.

Visiting heroes from Belgium and France, who toured Colorado in wartime, received enthusiastic welcomes. In September, 1919, President Wilson spoke to immense audiences when on his trip through the State. Prominent senators made addresses here on the League of Nations

Liberty Day, November 11, was observed as a holiday in commemoration of the signing of the armistice, which ended the war.

With the ending of the World War a new problem was created. The period following this tremendous struggle brought an aftermath of duties and responsibilities (to the soldiers and marines who fought overseas for democracy and liberty). Before the cessation of hostilities something was done abroad for the rehabilitation of wounded soldiers. Grateful homage was rendered the war cripples, funds were raised to reeducate the blind and equip them with means for earning a livelihood. Numerous battle-scarred veterans were taught to do some useful work, and thenceforth they were able to earn their own living by knitting, weaving or some other light labor. Many learned typewriting and dictation. After the close of the conflict, thousands of demobilized soldiers were handicapped in the battle of life, but the Federal Vocational Board is training war victims for permanent employment. Vocational training especially adapted to their needs put them on their feet again. In Colorado efforts were put forth to provide agricultural instruction, which has been worth millions of dollars to the ranchers of the State. Vocational schools have been established, in which disabled men are allowed to test a variety of tasks or occupations; they are encouraged to make the most of themselves and their opportunities. Thousands of former service men have

joined posts of the American Legion, an organization similar to the G. A. R.

War work gave a mighty impetus to vocational education in the grammar schools and high schools of our State. Because of the lack of enough vocational schools, a manual-training shop was fitted up in the basement of many a public-school building. Boys and youths have learned how to mend broken furniture. Cobbling, carpentry, blacksmithing, mining, plumbing, printing, bookbinding and other trades have been taught to some extent. Instruction has been given in drafting, automobile or tractor work, stenography, typewriting, telegraphy, accounting and salesmanship, banking and office practice. The scope of instruction in evening schools has been broadened to include courses designed especially for artisans, there being training in industrial arts for adults as well as for working boys and girls. Child labor is discouraged in rural districts, but has not been entirely discontinued. Courses in Home Economics are becoming popular with school-girls, who get technical training in sewing, millinery and various handicrafts, also in cooking and household chemistry. Not only has the practical been given increased attention—the study of art has been stimulated by exhibits of paintings and posters. Pupils of both sexes learn more of commercial geography. They know the world. The need of religious education, too, is emphasized. Special care is given to dull children and young folks whose education has been neglected or retarded, also to pupils who are physically defective. Medical inspection makes for educational efficiency. The last few years many junior high schools have been organized. The consolidation movement has been growing in favor. One influence of the war upon teachers may be noted: current events vitalized the study of American history and civics by aliens among us. Educators exerted themselves to get men and women of other nationalities to master Eng-

lish, and adjustment to American ideals on the part of foreign-born children has been fostered. Good citizenship is inculcated through the school spirit. Teachers correlate the work of the classroom with the life of the community and its problems.

Some notable additions were made to Colorado literature in the years 1919-1921. A monumental work is the "History of Colorado", 3 vols., edited by Wilbur F. Stone, who was aided by several specialists. Enos A. Mills gave the world some of his fascinating Nature studies—"The Grizzly, our Greatest Wild Animal"; "Adventures of a Nature Guide", and "Waiting in the Wilderness". The editor of Outdoor Life, Mr. J. A. McGuire, narrated his experiences in the hunting grounds of the Far North in the illustrated volume, "In the Alaska-Yukon Game-lands". William M. Raine produced several popular novels—"Man-Four-Square"; "Big Town Roundup"; "Oh, You Tex", and "Gunsight Pass". Wilbur Thomas published a volume of prose and verse, "The Rational View", and "When I Am Gone". Robert Donaldson, who was an ambulance driver in the Great War, gathered his verses written in France, 1917-1919, into a book with the expressive title "Turmoil". Mr. Donaldson has penned some beautiful lyrics. Some of Arthur Chapman's Western poems appeared in the illustrated volume, "Cactus Center". These verses vividly describe various doings of cowboyland as it was a quarter of a century ago. Henry Wheeler Fitz Randolph collected his rhymes into a substantial book with the title "A Whistling Farmer". A spectacular incident in our literary annals was the crowning of Mrs. Alice Polk Hill poet laureate of Colorado, October 9, 1919.

Colorado is one of the few States in which the rural population has increased during the last decade, tens of thousands of immigrants having settled on "dry" ranches in eastern Colorado. They fenced many tracts

of land, and the open range was no more. With the passing of the range, fewer beef cattle and sheep are raised. The present may be called the agricultural age of the Centennial State. Intensive farming is more profitable than mining. In 1920 Colorado ranked twenty-ninth among agricultural States, the value of its crops being $149,687,000. Wheat, corn, barley, rye, hay, alfalfa, sorghums, potatoes, and sugar beets are the principal crops. Since 1909 the wheat acreage has increased over 400 per cent. Colorado may now be called a part of the Wheat Belt. Colorado is the leading sugar-beet State in the Union. The conquest of Nature goes on with the destruction of prairie dogs, coyotes and other wild animals.

In 1919 a tract of ten acres in the Montezuma Valley, including Pueblo ruins of unusual importance, was set aside as the Yucca House National Monument.

In June, 1921, there were some remarkable cloudbursts, one of which resulted in many fatalities and much loss of property in Pueblo. Immense hordes of voracious grasshoppers did considerable damage to growing crops in eastern Colorado.

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GOVERNORS OF THE TERRITORY OF COLORADO

William Gilpin.....1861-1862
John Evans.....1862-1865
Alexander Cummings.....1865-1867
Alexander C. Hunt.....1867-1869
Edward M. McCook.....1869-1873
Samuel H. Elbert.....1873-1874
Edward M. McCook.....1874-1875
John L. Routt.....1875-1876

GOVERNORS OF THE STATE OF COLORADO

John L. Routt.....1876-1879
Frederick W. Pitkin.....1879-1883
James B. Grant.....1883-1885
Benjamin H. Eaton.....1885-1887
Alva Adams.....1887-1889
Job A. Cooper.....1889-1891
John L. Routt.....1891-1893
Davis H. Waite.....1893-1895
Albert W. McIntire.....1895-1897
Alva Adams.....1897-1899
Charles S. Thomas.....1899-1901
James B. Orman.....1901-1903

James H. Peabody.....1903-1905
Alva Adams (sixty-six days).....1905
James H. Peabody (one day).....1905
Jesse F. McDonald.....1905-1907
Henry A. Buchtel.....1907-1909
John F. Shafroth.....1909-1913
Elias M. Ammons.....1913-1915
George A. Carlson.....1915-1917
Julius C. Gunter.....1917-1919
Oliver H. Shoup.....1919-

CONSTITUTION

OF THE

STATE OF COLORADO

Edited and Indexed by
FRANK H. H. ROBERTS, A. M., Ph. D.

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WITH AMENDMENTS.

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book.

NOTE

In preparing this edition of the Constitution, the editor was unable to find a correctly printed copy of the Constitution of Colorado, hence the original copies of the Constitution and amendments thereto were used in preparing the copy. The punctuation has been faithfully followed and where the original was underscored boldface type has been used. The editor has inserted at the beginning of each section a note printed in boldface type.

CONSTITUTION
OF THE
STATE OF COLORADO

PREAMBLE.

We, the People of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government; establish justice, insure tranquillity; provide for the common defense; promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for

"THE STATE OF COLORADO."

ARTICLE I.

Boundaries.

The boundaries of the State of Colorado, shall be as follows: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north latitude; thence along said parallel, west, to the thirty-second meridian of longitude west from Washington; thence south, on said meridian, to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel of north latitude to the place of beginning.

ARTICLE II.

Bill of Rights.

In order to assert our rights, acknowledge our duties, and proclaim the principles upon which our government is founded, we declare:

Sec. 1. Political power and origin of government.— That all political power is vested in and derived from the people; that all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 2. The right to alter or abolish the government.— That the people of this State have the sole and exclusive right

of governing themselves, as a free, sovereign and independent State; and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness; Provided, Such change be not repugnant to the Constitution of the United States.

Sec. 3. **Inalienable rights.**—That all persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of ecquiring, possessing, and protecting property; and of seeking and obtaining their safety and happiness.

Sec. 4. **Religious freedom.**—That the free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the good order, peace or safety of the State. No person shall be required to attend or support any ministry or place of worship, religious sect, or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

Sec. 5. **Elections and suffrage.**—That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. **Courts open to all.**—That Courts of Justice shall be open to every person, and a speedy remedy afforded for every injury to person, property, or character; and that right and justice should be administered without sale, denial, or delay.

Sec. 7. **Searches and seizures.**—That the people shall be secure in their persons, papers, homes, and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

Sec. 8. **Criminal proceedings by indictment.**—That, until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information.

Sec. 9. Treason, bill of attainder, suicide.—That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open Court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

Sec. 10. Freedom of speech and the press.—That no law shall be passed impairing the freedom of speech; that every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the Court, shall determine the law and the fact.

Sec. 11. Ex post facto laws.—That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the General Assembly.

Sec. 12. Imprisonment for debt.—That no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud.

Sec. 13. Right to bear arms.—That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question, but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

Sec. 14. Eminent domain.—That private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.

Sec. 15. Eminent domain.—That private property shall not be taken or damaged, for public or private use without just compensation. Such compensation shall be ascertained by a Board of Commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprie-

tary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public, shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Sec. 16. Prosecutions, right of defendant.—That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 17. Right of witnesses.—That no person shall be imprisoned for the purpose of securing his testimony in any case longer than may be necessary in order to take his deposition. If he can give security he shall be discharged; if he cannot give security, his deposition shall be taken by some **Judge** of the **Supreme, District** or **County Court,** at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people, shall have reasonable notice. The accused shall have the right to appear in person and by counsel. If he have no counsel, the **Judge** shall assign him one in that behalf only. On the completion of such examination the witness shall be discharged on his own recognizance, entered into before said **Judge,** but such desposition shall not be used if in the opinion of the **Court** the personal attendance of the witness might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such deposition as to matters of form.

Sec. 18. Rights of accused.—That no person shall be compelled to testify against himself in a criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

Sec. 19. Right to bail.—That all persons shall be bailable by sufficient sureties except for capital offenses, when the proof is evident or the presumption great.

Sec. 20. Excessive bail.—That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 21. Habeas corpus.—That the privilege of the writ of **habeas corpus** shall never be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 22. Military subordinate to civil power.—That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 23. Trial by jury.—The right of trial by jury shall remain inviolate in criminal cases; but a jury in civil cases in all Courts, or in criminal cases in Courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a Grand Jury shall consist of twelve men, any nine of whom concurring may find an indictment: Provided, The General Assembly may change, regulate or abolish the Grand Jury system.

Sec. 24. Right of petition.—That the people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

Sec. 25. Due process of law.—That no person shall be deprived of life, liberty, or property, without due process of law.

Sec. 26. Slavery.—That there shall never be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Sec. 27. Property rights of Aliens.—Aliens, who are or who may hereafter become bona fide residents of this State, may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens.

Sec. 28. Rights reserved.—The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage, others retained by the people.

ARTICLE III.

Distribution of Powers.

The powers of the government of this State are divided into three distinct departments,—the Legislative, Executive and Judicial; and no person or collection of persons, charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

ARTICLE IV.

Executive Department.

Sec. 1. Elective executive officers.—The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of State, State Treasurer, Attorney General, and Superintendent of Public Instruction, each of whom shall hold his office for the term of two years, beginning on the second Tuesday of January next after his election; Provided, That the terms of office of those chosen at the first election held under this Constitution shall begin on the day appointed for the first meeting of the General Assembly. The officers of the Executive Department, except the Lieutenant Governor, shall, during their term of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this Constitution or by law.

Sec. 2. The Governor.—The supreme executive power of the State shall be vested in the Governor, who shall take care that the laws be faithfully executed.

Sec. 3. Elections, vote canvassed.—The officers named in section one of this article, shall be chosen on the day of the general election, by the qualified electors of the State. The returns of every election for said officers shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives, who shall immediately, upon the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both Houses of the General Assembly, who shall for that purpose assemble in the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office, one of them shall be chosen thereto by the two Houses, on joint ballot. Contested elections for said offices shall be determined by the two Houses, on joint ballot, in such manner as may be prescribed by law.

Sec. 4. Eligibility.—No person shall be eligible to the office of Governor, Lieutenant Governor, or Superintendent of Public Instruction unless he shall have attained the age of thirty years, nor to the office of Auditor of State, Secretary of State, or State Treasurer, unless he shall have attained the age of twenty-five years, nor to the office of Attorney General unless he shall have attained the age of twenty-five years, and be a licensed attorney of the Supreme Court of the State, or of the Territory of Colorado, in good standing. At the first election under this Constitution, any person being a qualified elector at the time of the adoption of this Constitution, and having the qualifications above herein prescribed for any one of said offices shall be eligible thereto; but thereafter no per-

son shall be eligible to any one of said offices unless, in addition to the qualifications above prescribed therefor, he shall be a citizen of the United States, and have resided within the limits of the State two years next preceding his election.

Sec. 5. Commander-in-chief of militia.—The Governor shall be commander-in-chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

Sec. 6. Appointment of officers—Vacancies.—The Governor shall nominate, and by and with the consent of the Senate, appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for, and may remove any such officer for incompetency, neglect of duty or malfeasance in office. If during the recess of the Senate a vacancy occur in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of Auditor of State, State Treasurer, Secretary of State, Attorney General, or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The Senate in deliberating upon executive nominations may sit with closed doors, but in acting upon nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the journal.

Sec. 7. Reprieves, commutations and pardons.—The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall in every case where he may exercise this power, send to the General Assembly, at its first session thereafter, a transcript of the petition, all proceedings, and the reasons for his action.

Sec. 8. Governor's messages.—The Governor may require information in writing from the officers of the Executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. The Governor shall, at the commencement of

each session, and from time to time, by message, give to the General Assembly information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the General Assembly a statement, with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the State.

Sec. 9. Extraordinary sessions of General Assembly and Senate.—The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which it is to assemble; but at such special session no business shall be transacted other than that specially named in the proclamation. He may by proclamation, convene the Senate in extraordinary session for the transaction of Executive business.

Sec. 10. Governor may prorogue the General Assembly.—The Governor, in case of a disagreement between the two Houses as to the time of adjournment, may upon the same being certified to him, by the House last moving adjournment, adjourn the General Assembly to a day not later than the first day of the next regular session.

Sec. 11. Legislative power of Governor.—Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law, but if he do not approve, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that House, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each House shall be determined by ayes and noes, to be entered upon the journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections, in the office of the Secretary of State, within thirty days after such adjournment, or else become a law.

Sec. 12. Appropriation bills, veto by items.—The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the

item or items disapproved shall be void, unless enacted in manner following: If the General Assembly be in session, he shall transmit to the House in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the Executive veto.

Lieutenant Governor.

Sec. 13. Succession to office of Governor.—In case of the death, impeachment, or conviction of felony or infamous misdemeanor, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

Sec. 14. Legislative duty.—The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. In case of the absence, impeachment, or disqualification from any cause of the Lieutenant Governor, or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant Governor, until the vacancy is filled or the disability removed.

Sec. 15.—Who shall act as Governor.—In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony, or infamous misdemeanor, or disqualification from any cause, of both the Governor and Lieutenant Governor, the duties of the Governor shall devolve on the President of the Senate pro tempore, until such disqualification of either the Governor or Lieutenant Governor be removed, or the vacancy be filled; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House.

Sec. 16. Report of receipts and expenditures of public institutions.—An account shall be kept by the officers of the Executive Department and of all public institutions of the State, of all moneys received by them severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor under oath.

Sec. 17. Reports.—The officers of the Executive Department, and of all Public Institutions of the State, shall, at least twenty days preceding each regular session of the General Assembly, make full and complete reports of their actions to the Governor, who shall transmit the same to the General Assembly.

Sec. 18. The seal.—There shall be a seal of the State, which shall be kept by the Secretary of State, and shall be called the "Great Seal of the State of Colorado." The seal of the Territory of Colorado as now used, shall be the seal of the State, until otherwise provided by law.

Sec. 19. Salaries and fees.—The officers named in section one of this article shall receive for their service a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the State Treasury.

Sec. 20. State Librarian.—The Superintendent of Public Instruction shall be ex officio State Librarian.

Sec. 21. Ineligibility of Auditor and Treasurer.—Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

ARTICLE V.

Legislative Department.

[Section 1 originally read: "The legislative power shall be vested in the General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people."]

But In November, 1910, it was amended to read as follows:

Section 1. The legislative power of the State shall be vested in the General Assembly consisting of a Senate and House of Representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the General Assembly, and also reserve power at their own option to approve or reject at the polls any act, item, section or part of any act of the General Assembly.

The first power hereby reserved by the people is the INITIATIVE, and at least eight per cent of the legal voters shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for State legislation and amendments to the Constitution, shall be addressed to and filed with the Secretary of State at least four months before the election at which they are to be voted upon.

The second power hereby reserved is the REFERENDUM, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health or safety, and appropriations for the support and maintenance of the department of state and state institutions, against any act, section or part of any act of the General Assembly, either by a petition signed by five per cent. of the legal voters or by the General Assembly. Referendum petitions shall be addressed to and filed with the Secretary of State not more than ninety days after the final adjournment of the session of the General Assembly, that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section or part of any act, shall not delay the remainder of the act from becoming operative. The veto power of the Governor shall not extend to measures initiated by, or referred to the people. All elections on measures referred to the people of the State shall be held at the biennial regular election, and all such measures shall become the law or part of the Constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the Governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the General Assembly of the right to enact any measure. The whole number of votes cast for Secretary of State at the regular general election last preceding the filing of any petition for the initiative or referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.

The Secretary of State shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance herewith. The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the Secretary of State; such petition shall be signed by qualified electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some qualified elector, that each signature thereon is the signature of the person whose name it purports to be, and that to the best of the knowledge and belief of the affiant, each of the persons signing said petition was at the time of signing a qualified elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are qualified electors. The text of all measures to be submitted shall be published as constitutional amendments are published, and in submitting the same and in all matters pertaining to the form of all petitions the Secretary of State and all other officers shall be guided by the general laws, and the act submitting this amendment, until legislation shall be especially provided therefor.

The style of all laws adopted by the people through the Initiative shall be, "Be it Enacted by the People of the State of Colorado."

The initiative and referendum powers reserved to the people by this section are hereby further reserved to the legal voters of every city, town and municipality as to all local, special and municipal legislation of every character in and for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws, except that cities, towns and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten per cent. of the legal voters may be required to order the referendum, nor more than fifteen per cent. to propose any measure by the initiative in any city, town or municipality.

This section of the Constitution shall be in all respects self-executing.

Sec. 2. First elections—Vacancies.—An election for members of the General Assembly shall be held on the first Tuesday in October, in the years of our Lord 1876 and 1878, and in each alternate year thereafter, on such a day, at such places in each county as now are or hereafter may be provided by law. The first election for members of the General Assembly under the State organization, shall be conducted in the manner prescribed by the laws of Colorado Territory, regulating elections for members of the Legislative Assembly thereof. When vacancies occur in either House, the Governor, or person exercising the powers of Governor, shall issue writ of election to fill such vacancies.

Sec. 3. Terms of members.—Senators shall be elected for the term of four years, except as hereinafter provided, and Representatives for the term of two years.

Sec. 4. Eligibility.—No person shall be a Representative or Senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, who shall not for at least twelve months next preceding his election have resided within the territory included in the limits of the county or district in which he shall be chosen; Provided, That any person who, at the time of the adoption of this Constitution, was qualified elector under the Territorial laws, shall be eligible to the first General Assembly.

Sec. 5. Classification of senators.—The Senators, at their first session, shall be divided into two classes. Those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class, except that Senators elected in each of the districts having more than one Senator shall be equally divided between the two classes. The Senators of one class shall hold for two years; those of the other class shall

hold for four years, to be decided by lot between the two classes, so that one-half of the Senators, as near as practicable, may be biennially chosen forever thereafter.

[Section 6 originally read: "Each member of the First General Assembly, as a compensation for his services, shall receive four dollars for each day's attendance, and fifteen cents for each mile necessarily traveled in going to and returning from the seat of government; and shall receive no other compensation, perquisite or allowance whatever. No session of the General Assembly, after the first, shall exceed forty days. After the first session, the compensation of the members of the General Assembly shall be as provided by law; Provided, That no General Assembly shall fix its own compensation."]

But November, 1910, it was amended to read as follows:

Sec. 6. Compensation of members.—Each member of the General Assembly, until otherwise provided by law, shall receive as compensation for his services the sum of one thousand ($1000) dollars for each biennial period, payable at the rate of $7.00 per day during both the regular and special sessions, the remainder, if any, payable on the first day of the last month of each biennial period; together with all actual and necessary traveling expenses to be paid after the same have been incurred and audited, and the said members of the General Assembly shall receive no other compensation, perquisite or allowance whatever. No General Assembly shall fix its own compensation.

Sec. 7. Time of meeting, beginning of term of office has been changed by statute to first Wednesday in December.—The General Assembly shall meet at 12 o'clock, noon, on the first Wednesday in November, A. D. 1876; and at 12 o'clock, noon, on the first Wednesday in January, A. D. 1879, and at 12 o'clock, noon, on the first Wednesday in January, of each alternate year forever thereafter, and at other times when convened by the Governor. The term of service of the members thereof shall begin on the first Wednesday of November next after their election, until otherwise provided by law.

Sec. 8. Who disqualified.—No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State; and no member of Congress, or other person holding any office (except of attorney-at-law, notary public, or in the militia) under the United States or this State, shall be a member of either House during his continuance in office.

Sec. 9. Increase of salary forbidden.—No member of either House shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

Sec. 10. President pro tem of the senate, speaker of the house.—The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members President pro tempore. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualification of its members.

Sec. 11. A quorum.—A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 12. Who makes the rules.—Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes, or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House of the same General Assembly, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 13. The journal.—Each House shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two of the committees of the whole, be open, unless when the business is such as ought to be kept secret.

Sec. 14. Open sessions.—The sessions of each House, and members, be entered on the journal.

Sec. 15. Adjournment for more than three days.—Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 16. Special Immunities.—The members of the General Assembly shall in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Sec. 17. Method of legislating.—No law shall be passed except by bill, and no bills shall be so altered or amended on its passage through either House as to change its original purpose.

Sec. 18. The enacting clause.—The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Colorado."

[Section 19 originally read: "No act of the General Assembly shall take effect until ninety days after its passage, unless in case of emergency, (which shall be expressed in the preamble or body of the Act), the General Assembly shall, by a vote of two-thirds of all the members elected to each House, otherwise direct. No bill except the general appropriation for the expences of the government only introduced in either House of the General Assembly after the first twenty-five days of the session shall become a law."]

But November 4, 1884, it was amended to read as follows:

Sec. 19. When act takes effect—Bills must be introduced during first thirty days—Exception.—No act of the General Assembly shall take effect until ninety days after its passage (except in cases of emergency, which shall be expressed in the act), unless the General Assembly shall, by a vote of two-thirds of all the members elected to each House, otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either House of the General Assembly after the first thirty days of the session, shall become a law.

Sec. 20. All bills must be referred to a committee.—No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 21. A bill may contain one subject only—Exception.—No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

[Section 22 originally read: "Every bill shall be read at length, on three different days in each House; all substantial amendments made thereof shall be printed for the use of the members, before the final vote is taken on the bill; and no bill shall become a law, except by vote of a majority of all the members elected to each House, nor unless on its final passage the vote to be taken by ayes and noes, and the names of those voting be entered on the journal."]

But November 4, 1884, this section was amended to read as follows:

Sec. 22. Readings, amendments and passage of bills.—Every bill shall be read by title when introduced, and at

length on two different days in each House; all substantial amendments made thereto, shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each House, nor unless on its final passage, the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

Sec. 23. Vote on amendment.—No amendment to any bill by one House shall be concurred in by the other, nor shall the report of any Committee of Conference be adopted in either House except by a vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the journal thereof.

Sec. 24.—Method of reviving, amending and extending laws.—No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length.

Sec. 25. Special legislation that is prohibited.—The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates and constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale of mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable, no special law shall be enacted.

Section 25a was added to the Constitution Nov. 4, 1902.

Sec. 25a. Eight hour employment.—The General Assembly shall provide by law, and shall prescribe suitable penalties

for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the General Assembly may consider injurious or dangerous to health. life or limb.

Sec. 26. Presiding officers must sign bills.—The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles shall have been publicly read, immediately before signing; and the fact of the signing shall be entered on the journal.

Sec. 27. Employes.—The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House; and no payment shall be made from the State Treasury, or be in any way authorized to any person, except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 28. Extra compensation.—No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law.

Sec. 29. Contracts.—All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding; and the repairing and furnishing the halls and rooms used for the meeting of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contract shall be subject to the approval of the Governor and State Treasurer.

[Section 30 originally read: "Except as otherwise provided in this Constitution, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment; Provided, This shall not be construed to forbid the General Assembly to fix the salary or emoluments of those first elected or appointed under this Constitution."]

But November 7, 1882, section 30 was amended to read as follows:

Sec. 30—Except as otherwise provided in this Constitution, no law shall extend the term of any public officer, or increase or disminish his salary or emoluments after his election or appointment; Provided, That on and after the first day of March, A. D. 1881, the salaries of the following designated public officers, including those thereof who may then be incumbents of such offices, shall be as herein provided, viz: The Governor shall receive an annual salary of five thousand dollars, and the further sum of fifteen hundred dollars for the payment of a private secretary. The judges of the Supreme Court shall each receive an annual salary of five thousand dollars. The judges of the district courts shall each receive an annual salary of four thousand dollars.

Sec. 31. Legislative initiative.—All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in case of other bills.

Sec. 32. Appropriation bills.—The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 33. How money is paid out of treasury.—No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Sec. 34. Limit on appropriations for charity, education, etc.—No appropriation shall be made for charitable, industrial, educational or benevolent purposes, to any person, corporation, or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 35. Cases in which legislative power may not be delegated.—The General Assembly shall not delegate to any special commission, private corporation, or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes, or perform any municipal function whatever.

Sec. 36. Trust funds.—No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians, or other trustees, in the bonds or stock of any private corporation.

Sec. 37. Change of venue.—The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such a manner as shall be prescribed by law.

Sec. 38. Release, transfer or any impairment of liability or corporation, held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, forbidden.—No obligation or liability of any person, association remitted, released, or postponed, or in any way diminished, by the General Assembly, nor shall such liability or obligation be extinguished except by payment thereof into the proper Treasury.

Sec. 39. Governor's legislative power.—Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two Houses, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Sec. 40. Bribery and punishment.—If any person elected to either House of the General Assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the General Assembly, in consideration or upon condition that any other person elected to the same General Assembly will give, or will promise, or assent to give his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced in such General Assembly, the person making such offer or promise, shall be deemed guilty of solicitation of bribery. If any member of the General Assembly shall give his vote or influence for or against any measure or proposition pending in such General Assembly, or offer, promise or assent so to do, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such General Assembly or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such General Assembly, he shall be deemed guilty of bribery, and any member of the General Assembly, or person elected thereto, who shall be guilty of either of such offenses shall be expelled, and shall not be thereafter eligible to the same General Assembly; and, on conviction thereof in the civil courts, shall be liable to such further penalties as may be prescribed by law.

Sec. 41. Bribery.—Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive

or judicial officer or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 42. Corrupt solicitation.—The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 43. Personal or private interest of members.—A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Congressional and Legislative Apportionments.

Since 1893 Colorado has had population enough to entitle her to more than one representative. Section 44 is superseded by statute.

Sec. 44. One Representative in the Congress of the United States shall be elected from the State at large, at the first election under this Constitution, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the General Assembly shall divide the State into Congressional districts accordingly.

Sec. 45. State enumeration.—The General Assembly shall provide by law for an enumeration of the inhabitants of the State in the year of our Lord one thousand, eight hundred and eighty-five, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment, for Senators and Representatives, on the basis of such enumeration, according to ratios to be fixed by law.

Sec. 46. Size of Senate and House.—The Senate shall consist of twenty-six, and the House of Representatives of forty-nine members, which number shall not be increased until the year of our Lord one thousand eight hundred and ninety, after which time the General Assembly may increase the number of Senators and Representatives, preserving as near as may be the present proportion as to the number in each House; Provided, That the aggregate number of Senators and Representatives shall never exceed one hundred.

By Statute there are now thirty-five Senators and sixty-five Representatives.

Sec. 47. Districts.—Senatorial and Representative districts may be altered from time to time, as public convenience may require. When a Senatorial or Representative district shall be composed of two or more counties, they shall be contiguous, and the district as compact as may be. No county shall be divided in the formation of a Senatorial or Representative district.

Sections 48 and 49 have been superseded by Statute.

Sec. 48. Until the State shall be divided into Senatorial districts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The county of **Weld** shall constitute the **first** district, and be entitled to one **Senator.**

The county of **Larimer** shall constitute the **second district,** and be entitled to one **Senator.**

The county of **Boulder** shall constitute the **third** district, and be entitled to two **Senators.**

The county of **Gilpin** shall constitute the **fourth** district, and be entitled to one **Senator.**

The counties of **Gilpin, Summit** and **Grand** shall constitute the **fifth district,** and be entitled to one **Senator.**

The county of **Clear Creek** shall constitute the **sixth** district, and be entitled to two **Senators.**

The county of **Jefferson** shall constitute the **seventh** district, and be entitled to one **Senator.**

The county of **Arapahoe** shall constitute the **eighth** district, and be entitled to four **Senators.**

The counties of **Elbert** and **Bent** shall constitute the **ninth** district, and be entitled to one **Senator.**

The county of **El Paso** shall constitute the **tenth** district, and be entitled to one **Senator.**

The county of **Douglas** shall constitute the **eleventh** district, and be entitled to one **Senator.**

The county of **Park** shall constitute the **twelfth** district, and be entitled to one **Senator.**

The counties of Lake and Saguache shall constitute the thirteenth district, and be entitled to one Senator.

The county of Freemont shall constitute the fourteenth district, and be entitled to one Senator.

The county of Pueblo shall constitute the fifteenth district, and be entitled to one Senator.

The county of Huerfano shall constitute the sixteenth district, and be entitled to one Senator.

The county of Las Animas shall constitute the seventeenth district, and be entitled to two Senators.

The county of Costilla shall constitute the eighteenth district, and be entitled to one Senator.

The county of Conejos shall constitute the nineteenth district, and be entitled to one Senator.

The counties of Rio Grande, Hinsdale, La Plata and San Juan shall constitute the twentieth district, and be entitled to one Senator.

Sec. 49. Until an apportionment of Representatives be made in accordance with the provisions of this article, they shall be divided among the several counties of the State in the following manner: The county of Arapahoe shall have seven; the counties of Boulder and Clear Creek, each, four; the counties of Gilpin and Las Animas, each, three; the counties of El Paso, Fremont, Huerfano, Jefferson, Pueblo and Weld, each, two; the counties of Bent, Costilla, Conejos, Douglas, Elbert, Grand, Hinsdale, Larimer, La Plata, Lake, Park, Rio Grande, Summit, Saguache and San Juan, each one; and the counties of Costilla and Conejos, jointly, one.

ARTICLE VI.

Judicial Department.

[Section 1 originally read: "The judicial power of the State, as to matters of law and equity, except as in the Constitution otherwise provided, shall be vested in a Supreme Court, District Courts, County Courts, Justices of the Peace, and such other Courts as may be created by law for cities and incorporated towns."]

But November, 1912, Section 1 was changed to read as follows:

Sec. 1. The judicial power of the State as to all matters of law and equity, except as in the Constitution otherwise provided, shall be vested in a Supreme Court, District Courts, County Courts, and such other courts as may be provided by law. In counties and cities and counties, having a population exceeding one hundred thousand, exclusive original jurisdiction in cases involving minors and persons whose offenses concern minors may be vested in a separate court now or hereafter established by law. None of said courts except the Supreme Court shall have any power to declare or adjudicate any law of this state or any city charter or amendment thereto adopted by the people in cities acting under Article XX hereof as in violation of the Constitution of this State or of the United States; provided that before such decision shall be binding it shall be subject to approval or disapproval by the people, as follows: Such decision shall be filed in the office of the Clerk of the Supreme Court within ten days after it is finally made. If it concerns a state law it shall not be binding until sixty days after such date. Within said sixty days a referendum petition, signed by not less than five per cent. of the qualified electors, addressed to and filed with the Secretary of State, may request that such law be submitted to the people of this State for adoption or rejection at an election to be held in compliance herewith. The Secretary of State shall cause to be published the text of such law or part thereof, as constitutional amendments are published, as near as may be, and he shall submit the same to the people at the first general election held not less than ninety days after such petition shall have been filed; provided that provision may be made by law for also submitting such laws or parts thereof at a special election. All such laws or parts thereof submitted as herein provided when approved by a majority of the votes cast thereon at such election shall be and become the law of this state notwithstanding the decision of the Supreme Court, to take effect from and after the date of the declaration of the vote thereon by proclamation of the Governor, not less than thirty days after the vote has been canvassed.

If such decision concerns a charter or an amendment thereto of a city or city and county acting under Article XX of this Constitution, it shall not be binding until sixty days after it has been filed in the office of the clerk of said court. Within said sixty days a referendum petition, signed by not less than five per cent. of the qualified electors of such city or city and county, addressed to and filed with the legislative body of said city or city and county, may request that such charter or amendment thereto be submitted to the people of such city or city and county for their adoption or rejection. It shall be the duty of said legislative body to publish the text of such charter or amendment thereto as initiative ordinances are published as near as may be and submit such charter or amendment thereto to the people of such city or city and

county, at an election to be called by said legislative body not less than sixty days after the filing of said petition, unless there should be under the charter of said city or city and county a regular election to be held for the election of officers of said city or city and county within said sixty days, in which event such charter or amendment thereto may be submitted to the vote of the people at such regular election. All such charters, or amendments thereto, so submitted as herein provided, when approved by a majority of the votes cast thereon in said city or city and county, shall be and become the law of this state and of said city or city and county notwithstanding the decision of the Supreme Court, to take effect from and after the date of the declaration of the vote thereon by proclamation of said legislative body not less than thirty days after the vote has been canvassed. The whole number of votes cast for Governor at the regular general election last preceding the filing of any petition to submit a state law under the provisions hereof, and, if a charter or amendment thereto, the whole number of votes cast for that officer receiving the highest vote cast at the last preceding general election for officers of such city or city and county requesting such submission shall be the basis on which the number of qualified electors necessary to sign such petition shall be counted.

Any petition herein provided for may be circulated and signed in sections, provided each section shall contain a full and accurate copy of the title and text of the law, or charter, or amendment thereto, which it is proposed to submit. The signatures to such petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence giving his street number, if any, should he reside in a town or city. The person circulating such sheet must make and subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, wilfully so made and subscribed by such person, shall be perjury and be punished as such. All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signers shall be deemed and held to be qualified electors unless a protest in writing, under oath, shall be filed in the office in which such petition has been filed, by some qualified elector, within fifteen days after such petition is filed, setting forth specifically the ground of such protest, whereupon the officer with whom such petition is filed shall forthwith forward a copy of such protest to the person or persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest not less than five nor more than ten days after such notice is made. All hearings shall be before the officer with whom such protest is filed, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, and must be concluded within thirty days after such petition is

filed, and the result thereof shall be forthwith certified to the person or persons representing the signers of such petition. In case the petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and may, within fifteen days thereafter, be amended and refiled as an original petition. The findings as to the sufficiency of any petition may be reviewed by any state court of general jurisdiction in the county in which such petition is filed, upon aplication of the person, or a majority of the persons, representing the signers of such petition, but such review shall be had and determined forthwith.

When any petition contains a form of submission of a law, charter, or amendment thereto, petitioned to be referred, when such form is a reasonably fair description thereof, the same shall be placed on the ballot, and no petition filed subsequent thereto shall be permitted to use any form of submission that is so similar to the one previously filed as to tend to confuse the voter, and in case of conflict the person or a majority of persons representing the subsequent petition may file a form of submission, provided the same shall be fairly descriptive of the law, city charter, or amendment thereto, petitioned to be submitted and not in conflict with any prior forms of submission nor tend to confuse the voter. Legislation may be enacted to facilitate the operation of this article, but in no way limiting or restricting the provisions hereof, or the powers herein reserved.

In submitting such laws the Secretary of State and all other officers shall be guided by the general laws so far as applicable, and the vote thereon as to state laws shall be canvassed and the result determined in the manner prescribed by law for the canvass of votes for representatives in Congress. In submitting a city charter, or amendment thereto, the vote thereon shall be canvassed and the result determined in the manner prescribed by the charter or law governing any such city or city and county for the canvass of votes for officers elected in such city or city and county.

Supreme Court

Sec. 2. Appellate jurisdiction.—The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

[Section 3 originally read: "It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same."]

But November 2, 1886, Section 3 was changed to read as follows:

Sec. 3. Original jurisdiction.—It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and other original and remedial writs with authority to hear and determine the same; and each judge of the Supreme Court shall have like power and authority as to writs of habeas corpus. The Supreme Court shall give its opinion upon important questions upon solemn occasions when required by the Governor, the Senate, or the House of Representatives; and all such opinions shall be published in connection with the reported decisions of said court.

Sec. 4. Terms.—At least two terms of the Supreme Court shall be held each year, at the seat of government.

[Section 5 originally read: "The Supreme Court shall consist of three Judges, a majority of whom shall be necessary to form a quorum or pronounce a decision."]

But Section 5 was amended November, 1888, to read as follows:

Sec. 5. Personnel of court—Departments.—The Supreme Court shall consist of seven judges, who may sit en banc or in two or more departments as the court may, from time to time, determine. In case said court shall sit in departments each of said departments shall have the full power and authority of said court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this constitution, or provided by law, subject to the general control of the court sitting en banc, and such rules and regulations as the court may make, but no decision of any department shall become the judgment of the court unless concurred in by at least three judges, and no case involving a construction of the constitution of this State or of the United States, shall be decided except by the court en banc.

[Section 6 originally read: "The Judges of the Supreme Court shall be elected by the electors of the State, at large, as hereinafter provided."]

But it was amended November 8, 1904, to read as follows:

Sec. 6. Election of judges.—The Judges of the Supreme Court, except as herein provided, shall be elected by the electors of the State at large.

[Section 7 originally read: "The term of office of the Judges of the Supreme Court, except as in this article otherwise provided, shall be nine years."]

But was amended November 8, 1904, to read as follows:

Sec. 7. Term of office.—The term of office of the Judges of the Supreme Court, hereafter elected, except as in this article otherwise provided, shall be ten years.

[Section 8 originally read: "The Judges of the Supreme Court shall, immediately after the first election under this Constitution, be classified by lot, so that one shall hold his office for the term of three years, one for the term of six years, and one for the term of nine years. The lot shall be drawn by the Judges, who shall for that purpose assemble at the seat of government; and they shall cause the result thereof to be certified to the Secretary of the Territory, and filed in his office. The Judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice, and shall preside at all terms of the Supreme Court, and in case of his absence, the Judge having in like manner the next shortest term to serve shall preside in his stead."]

But November 8, 1904, was amended to read as follows:

Sec. 8. Appointment and election of judges.—No successor of the judges of the Court of Appeals whose term expires in April, 1905, shall be appointed.

On the first Wednesday in April, 1905, the Court of Appeals shall cease to exist, and the Judges of said Court whose regular terms shall not then have expired shall become Judges of the Supreme Court. All causes pending before the Court of Appeals shall then stand transferred to, and be pending in, the Supreme Court, and no bond or obligation given in any of said causes shall be affected by said transfer.

The term of office of that Judge of the Supreme Court whose term expires on the second Tuesday in January, 1907, shall so expire; the term of office of that Judge transferred from the Court of Appeals, whose term shall expire in April, 1907, shall expire on the second Tuesday in January, 1907; and the term of office of that Judge of the Supreme Court whose term expires in January, 1910, is hereby extended to the second Tuesday in January, 1911; and the term of office of that Judge or the Judges transferred from the Court of Appeals, whose term would expire in April, 1909, shall expire on the second Tuesday in January, 1909; and the term of office of the Judge of the Supreme Court whose term expires on the second Tuesday in January, 1913, shall so expire.

At the general election in the year 1906 and every tenth year thereafter, there shall be elected two Judges of the Supreme Court.

At the general election in the year 1908, there shall be elected three judges of the Supreme Court, one for the term of six years, and two for the term of ten years.

At the general election in the year 1910, and every tenth year thereafter, there shall be elected one Judge of the Supreme Court.

At the general election in the year 1912 and every tenth year thereafter, there shall be elected one Judge of the Supreme Court.

At the general election in the year 1914 and every tenth year, thereafter, there shall be elected one Judge of the Supreme Court.

At the general election in the year 1918 and every tenth year thereafter, there shall be elected two Judges of the Supreme Court.

Provided, That if said Court of Appeals shall at the time of the going into effect of this amendment, by law consist of only three Judges, the Governor shall nominate and by and with the advice and consent of the Senate appoint two Judges of the Supreme Court whose term of office shall begin on the first Wednesday of April, 1905, and expire on the second Tuesday of January, 1909.

Provided also, That nothing herein contained shall be construed to prevent the General Assembly from changing the time of electing Judges of the Supreme Court and from extending or abridging their terms of office as provided in Article VI, Section 15, of the Constitution of this State.

The Judge having the shortest term to serve, not holding his office by appointment or election to fill vacancy, shall be the Chief Justice.

Of the two judges whose terms of office expire upon the same day, the younger in years of the two Judges shall be the Chief Justice during the next to the last year of his term of office and the elder of the two Judges shall be the Chief Justice during the last year of his term of office.

The Chief Justice shall preside at all sessions of the Court en banc, and, in case of his absence, then the Judge present who would next be entitled to become Chief Justice shall preside.

Until otherwise provided by law, the Supreme Court shall have power to review the judgments and proceedings of inferior Courts, in such instances and in such manner as was provided by law previous to the act establishing the Court of Appeals.

Sec. 9. Clerk of Supreme Court.—There shall be a Clerk of the Supreme Court, who shall be appointed by the Judges thereof, and shall hold his office during the pleasure of said Judges, and whose duties and emoluments shall be as prescribed by law and by the rules of the Supreme Court.

Sec. 10. Eligibility.—No person shall be eligible to the office of Judge of the Supreme Court unless he be learned in the law; be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State or Territory at least two years next preceding his election.

District Courts

Sec. 11. Jurisdiction.—The District Courts shall have original jurisdiction of all causes both at law and in equity, and such appellate jurisdiction as may be conferred by law. They shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people, concerning the rights, duties and liabilities of railroad, telegraph, or toll-road companies or corporations.

[Section 12 originally read: "The State shall be divided into judicial districts, in each of which there shall be elected by the electors, one Judge of the District Court therein, whose term of office shall be six years. The Judges of the District Courts may hold Courts for each other, and shall do so when required by law."]

But November 2, 1886, Section 12 was changed to read as follows:

Sec. 12. Judicial districts and judges.—The State shall be divided into judicial districts, in each of which there shall be elected by the electors thereof, one or more Judges of the District Court therein, as may be provided by law, whose term of office shall be six years; the Judges of the District Courts may hold Courts for each other, and shall do so when required by law, and the General Assembly may, by law, provide for the selection or election of a suitable person to preside in the trial of causes in special cases.

Section 13 has been superseded by Statute which divides the State into Thirteen Judicial Districts.

Sec. 13. Until otherwise provided by law, said districts shall be four in number, and constituted as follows, viz:

First District—The counties of Boulder, Jefferson, Gilpin, Clear Creek, Summit and Grand.

Second District—The counties of Arapahoe, Douglas, Elbert, Weld and Larimer.

Third District—The counties of Park, El Paso, Fremont, Pueblo, Bent, Las Animas and Huerfano.

Fourth District—The counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale, Saguache and Lake.

[Section 14 originally read: "The General Assembly may, after the year eighteen hundred and eighty, (whenever two-thirds of the members of each House shall concur therein), but not oftener than once in six years, increase the number of the Judicial Districts and the Judges thereof, such districts shall be formed of compact territory and bounded by county lines, but said increase or change in the boundaries of a district shall not work the removal of any Judge from his office during the term for which he shall have been elected or appointed."]

But November 2, 1886, Section 14 was amended to read as follows:

Sec. 14. The General Assembly may (whenever two-thirds of the members of each House shall concur therein) increase or diminish the number of Judges for any district, or increase or diminish the number of judicial districts, and the Judges thereof. Such districts shall be formed of compact territory, and bounded by county lines; but such increase, diminution or change in the boundaries of a district shall not work the removal of any Judge from his office during the term for which he shall have been elected or appointed.

Sec. 15. Election of Judges—Term.—The Judges of the District court first elected shall be chosen at the first general election. The General Assembly may provide that after the year eighteen hundred and seventy-eight, the election of the Judges of the Supreme Court, District, and County Courts, and the District Attorneys, or any of them, shall be on a different day from that on which an election is held for any other purpose, and for that purpose may extend or abridge the term of office of any such officers then holding, but not in any case more than six months. Until otherwise provided by law, such officers shall be elected at the time of holding the general elections. The terms of office of all Judges of the District Court, elected in the several districts throughout the State, shall expire on the same day; and the terms of office of the District Attorneys elected in the several districts throughout the State shall, in like manner, expire on the same day.

Sec. 16. Persons eligible.—No person shall be eligible to the office of District Judge unless he be learned in the law, be at least thirty years old, and a citizen of the United States,

nor unless he shall have resided in the State or Territory at least two years next preceding his election, nor unless he shall at the time of his election, be an elector within the Judicial District for which he is elected; Provided, That at the first election, any person of the requisite age and learning, and who is an elector of the Territory of Colorado, under the laws thereof, at the time of the adoption of this Constitution, shall be eligible to the office of Judge of the District Court of the Judicial District within which he is an elector.

Sec. 17. Terms of court.—The time of holding courts within the said districts shall be as provided by law, but at least one term of the District Court shall be held annually in each county, except in such counties as may be attached, for judicial purposes, to another county wherein such courts are so held. This shall not be construed to prevent the holding of special terms, under such regulations as may be provided by law.

Sec. 18. Salaries.—The Judges of the Supreme and District Courts shall each receive such salary as may be provided by law, and no such judge shall receive any other compensation, perquisite, or emolument for, or on account of his office, in any form whatever, nor act as Attorney or Counsellor-at-law.

Sec. 19. The Clerk.—There shall be a Clerk of the District Court in each county wherein a term is held, who shall be appointed by the Judge of the District, to hold his office during the pleasure of the Judge. His duties and compensation shall be as provided by law and regulated by the rules of the court.

Section 20 has been superseded by statute.

Sec. 20. Until the General Assembly shall provide by law for fixing the terms of the Courts aforesaid, the Judges of the Supreme and District Courts, respectively, shall fix the terms thereof.

District Attorneys

[Section 21 originally read: "There shall be elected by the qualified electors of each Judicial District at each regular election for Judges of the Supreme Court, a District Attorney for such District, whose term of office shall be three years, and whose duties and compensations shall be as provided by law. No person shall be eligible to the office of District Attorney who shall not, at the time of his election, be at least twenty-five years of age, and possess all the other qualifications for Judges of District Courts, as prescribed in this article."]

But Section 21 was amended, November 4, 1902, to read as follows:

Sec. 21. Election—Term—Salary—Qualification.—There shall be elected by the qualified electors of each judicial district, at the general election in the year nineteen hundred and four, and every four years thereafter, a district attorney for such districts whose term of office shall be four years, and whose duties and salary or compensation, either from the fees or emoluments of his office or from the general county fund, as shall be provided by law. No person shall be eligible to the office of District Attorney who shall not, at the time of his election, be at least twenty-five years of age and possess all the qualifications of Judges of the District Courts, as provided in this Article. The term of office of the district attorneys serving in the several districts, at the time of the adoption of this amendment, is hereby extended to the second Tuesday of January, in the year A. D., 1905.

County Courts

[Section 22 originally read: "There shall be elected at the general election in each organized county, in the year eighteen hundred and seventy-seven, and every three years thereafter, except as otherwise provided in this article, a County Judge, who shall be Judge of the County Court of said county, whose term of office shall be three years, and whose compensation shall be as may be provided by law."]

But Section 22 was amended, November 4, 1902, to read as follows:

Sec. 22. Judges—Election—Term—Salary.—There shall be elected at the general election in each organized county in the year nineteen hundred and four, and every four years thereafter, a County Judge, who shall be Judge of the County Court of said county, whose term of office shall be four years, and who shall be paid such salary or compensation, either from the fees and emoluments of his office or from the general county fund, as shall be provided by law. The term of office of the County Judges serving at the time of the adoption of this amendment is hereby extended to the second Tuesday of January, in the year, A. D., 1905.

Sec. 23. Jurisdiction—Appeals.—County Courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, and such other civil and criminal jurisdiction as may be conferred by law. Provided, Such courts shall not have jurisdiction in any case where the

debt, damage, or claim, or value of property involved, shall exceed two thousand dollars, except in cases relating to the estates of deceased persons. Appeals may be taken from County to District Courts, or to the Supreme Court, in such cases and in such manner as may be prescribed by law. Writs of error shall lie from the Supreme Court to every final judgment of the County Court. No appeal shall lie to the District Court from any judgment given upon an appeal from a Justice of the Peace.

Criminal Courts

Sec. 24. The General Assembly shall have power to create and establish a Criminal Court in each county having a population exceeding fifteen thousand, which court may have concurrent jurisdiction with the District Courts in all criminal cases not capital; the terms of such courts to be as provided by law.

Justices of the Peace.

Sec. 25. Justices of the Peace shall have such jurisdiction as may be conferred by law; but they shall not have jurisdiction of any case wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

Police Magistrates.

Sec. 26. The General Assembly shall have power to provide for creating such Police Magistrates for cities and towns as may be deemed from time to time necessary or expedient, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

Miscellaneous.

Sec. 27. Defects in law reported by judges.—The Judges of Courts of Record, inferior to the Supreme Court shall on or before the first day of July, in each year, report in writing to the Judges of the Supreme Court such defects and omissions in the laws as their knowledge and experience may suggest, and the Judges of the Supreme Court shall, on or before the first day of December, of each year, report in writing to the Governor, to be by him transmitted to the General Assembly, together with his message, such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate bills for curing the same.

Sec. 28. Uniform laws.—All laws relating to courts shall be general and of uniform operation throughout the State;

and the organization, jurisdiction, powers, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform.

[Section 29 originally read: "All officers provided for in this article, excepting Judges of the Supreme Court, shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in elective offices shall be filled by election, but when the unexpired term does not exceed one year, the vacancy shall be filled by appointment, as follows: Of Judges of the Supreme and District Courts by the Governor; of District Attorneys by the Judge of the Court to which the office appertains, and of all other judicial officers by the Board of County Commissioners of the county where the vacancy occurs."]

There is no evidence that this amendment was ever voted upon, and the editor believes it should not be included in the constitution.

Sec. 29. Residence and vacancies.—All officers provided for in this article, excepting judges of the Supreme Court, shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies occurring in any of the offices provided for in this article shall be filled by appointment as follows: Of judges of the Supreme and District Courts, by the Governor; of District Attorneys, by the Judge of the Court of the district for which such attorney was elected; and of all other judicial officers, by the Board of County Commissioners of the county wherein the vacancy occurs. Judges of the Supreme, District and County Courts appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified.

Sec. 30. Style of process.—All process shall run in the name of "The People of the State of Colorado;" all prosecutions shall be carried on in the name and by the authority of "The People of the State of Colorado," and conclude, "against the peace and dignity of the same."

ARTICLE VII.

Suffrage and Elections.

[Section 1 originally read: "Every male person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections:

"First—He shall be a citizen of the United States, or not being a citizen of the United States, he shall have declared his intention, according to law, to become such citizen, not less than four months before he offers to vote.

"Second—He shall have resided in the State six months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law. Provided, That no person shall be denied the right to vote at any school district election, nor to hold any school district office, on account of sex."]

But was amended November 4, 1902, to read as follows:

Sec. 1. Qualification of electors.—Every person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections. He or she shall be a citizen of the United States, and shall have resided in the state twelve months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law.

Sec. 2. Woman's suffrage permissible.—The General Assembly shall at the first session thereof, and may at any subsequent session enact laws to extend the right of suffrage to women of lawful age and otherwise qualified according to the provisions of this article. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election; nor unless the same be approved by a majority of those voting thereon.

In 1893 the following law was referred by referendum to the people and was carried by a vote of 35,798 FOR and 29,457 AGAINST and has all the force of a Constitutional amendment:

> "That every female person shall be entitled to vote at all elections in the same manner and the same respects as male persons are, or shall be to vote by the Constitution and Laws of this State, and the same qualifications as to age, citizenship, and time of residence in the State, City and County, Ward and Precincts, and other qualifications regained by law to entitle male persons to vote shall be required to entitle female persons to vote."

Sec. 3. Educational qualification of voters permissible.—The General Assembly may prescribe by law, an educational qualification for electors, but no such law shall take effect prior to the year of our Lord one thousand eight hundred and ninety (1890), and no qualified elector shall be thereby disqualified.

Sec. 4. **Residence does not change.**—For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the State, or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poor-house or other asylum, nor while confined in public prison.

Sec. 5. **Privilege of voters.**—Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

Sec. 6. **Voters only, eligible to hold office.**—No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

Section 7 has been superseded by statute.

Sec. 7. The general election shall be held on the first Tuesday in October in the years of our Lord eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, and annually thereafter on such day as may be prescribed by law.

[Section 8 originally read: "All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number be recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested elections, the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law."]

Section 8 was amended, November 6, 1906, to read as follows:

Sec. 8. **Elections by ballot or voting machine.**—All elections by the people shall be by ballot, and in case paper ballots are required to be used, every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested elections in which paper ballots are required to be used, the ballots cast may be counted and compared with the list of voters, and examined under such safeguards and regulations as may be provided by law. Nothing in this section, however, shall be

construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election, provided that secrecy in voting be preserved.

When the governing body of any county, city, city and county or town, including the city and county of Denver, and any city, city and county or town which may be governed by the provisions of special charter, shall adopt and purchase a voting machine, or voting machines, such governing body may provide for the payment therefor by the issuance of interest-bearing bonds, certificates of indebtedness, or other obligations, which shall be a charge upon such city, city and county, or town; such bonds, certificates or other obligations may be made payable at such time or times, not exceeding ten years from date of issue as may be determined, but shall not be issued or sold at less than par.

Sec. 9. Witness in election trial.—In trials of contested elections, and for offenses arising under the election law, no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

Sec. 10. Imprisonment and Suffrage.—No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship; except as otherwise provided in this Constitution.

Sec. 11. Purity of elections.—The General Assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

Sec. 12. Election contests.—The General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests, not herein provided for, shall be tried, and regulate the manner of trial, and all matters incident thereto, but no such law shall apply to any contest arising out of an election held before its passage.

ARTICLE VIII.

State Institutions.

Sec. 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require,

shall be established and supported by the State, in such manner as may be prescribed by law.

Sec. 2. Seat of government.—The General Assembly shall have no power to change or locate the seat of government of the State, but shall at its first session subsequent to the year of our Lord, one thousand eight hundred and eighty provide by law for submitting the question of the permanent location of the seat of government to the qualified electors of the State, at the general election then next ensuing, and a majority of all the votes upon said question cast at said election, shall be necessary to determine the location thereof. Said General Assembly shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the State, at the next general election; Provided, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the City of Denver.

Sec. 3. Seat of government may be changed.—When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the State voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the General Assembly.

Sec. 4. Capitol building.—The General Assembly shall make no appropriation or expenditure for capitol buildings or grounds, until the seat of government shall have been permanently located, as herein provided.

[Section 5 originally read: "The following Territorial Institutions to-wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, the Institute for the Education of Mutes, shall upon the adoption of this Constitution, become Institutions of the State of Colorado, and the management thereof subject to the control of the State, under such laws and regulations as the General Assembly shall provide, and the location of said Institutions, as well as all gifts, grants, and appropriations of money and property, real and personal, heretofore made to said several Institutions, are hereby confirmed to the use and benefit of the same respectively; Provided, This section shall not apply to any institution, the property, real or personal, of which is now vested in the trustees thereof, until such property be transferred by proper conveyance, together with the control thereof, to the officers provided for the management of said Institution by this Constitution, or by law."]

But was amended November, 1910, to read as follows:

Sec. 5. The following educational institutions, to-wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, and the Institute for the Education of Mutes (which shall hereafter be known as Colorado School for Deaf and Blind), at Colorado Springs, are hereby declared to be institutions of the State of Colorado, and the management thereof subject to the control of the State, under the provisions of the Constitution, and such laws and regulations as the General Assembly may provide, and the location of said institutions, as well as all gifts, grants and appropriations of money and property, real and personal, heretofore made to said several institutions, are hereby confirmed to the use and benefit of the same respectively; Provided, This section shall not apply to any institution, the property, real or personal, of which is now vested in the trustees thereof, until such property be transferred by proper conveyance, together with the control thereof, to the officers provided for the management of said institution by this constitution or by law; and, Provided further, That the regents of the university may, whenever in their judgment the needs of the institution demand such action, establish, maintain and conduct all but the first two years of the departments of medicine, dentistry and pharmacy, of the University, at Denver, and, Provided further, That nothing in this section shall be construed to prevent State educational institutions from giving temporary lecture courses, commonly called "University extension work," and "Farmers' Institute and Short Courses," in any part of the State, or conducting class excursions for the purpose of investigation and study.

ARTICLE IX.

Education.

Sec. 1. **Board of education.**—The general supervision of the public schools of the State shall be vested in a Board of Education, whose powers and duties shall be prescribed by law, the Superintendent of Public Instruction, the Secretary of State and Attorney General shall constitute the Board, of which the Superintendent of Public Instruction shall be President.

Sec. 2. **Public schools.**—The General Assembly shall, as soon as practical, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, wherein all the residents of the State, between the ages of six and twenty-one years, may be educated gratuitously. One or more public schools shall be maintained in each school district within the State, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Sec. 3. Inviolability of school fund.—The public school fund of the State, shall forever remain inviolate and intact; the interest thereon, only, shall be expended in the maintenance of the schools of the State and shall be distributed amongst the several counties and school districts of the State, in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used, or appropriated, except as herein provided. The State Treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The State shall supply all losses thereof that may in any manner occur.

Sec. 4. County and district school funds collected and disbursed.—Each County Treasurer shall collect all school funds belonging to his county, and the several school districts therein, and disburse the same to the proper districts upon warrants drawn by the County Superintendent or by the proper district authorities, as may be provided by law.

Sec. 5. State school funds.—The public school fund of the State shall consist of the proceeds of such lands as have heretofore been, or may hereafter, be granted to the State by the General Government for educational purposes; all estates that may escheat to the State; also all other grants, gifts or devices that may be made to this State for educational purposes.

Sec. 6. County superintendent.—There shall be a County Superintendent of Schools in each county, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law. He shall be ex officio Commissioner of Lands within his county, and shall discharge the duties of said office under the direction of the State Board of Land Commissioners, as directed by law.

Sec. 7. Aid to private institutions forbidden.—Neither the General Assembly, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support, or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be made by the State or any such public corporation, to any church, or for any sectarian purpose.

Sec. 8. Religious and color tests forbidden.—No religious test or qualification shall ever be required of any person as a

condition of admission into any public educational institution of the State, either as teacher or student; and no teacher or student of any such institution shall ever be required to attend, or participate in any religious service whatever. No sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color.

[Section 9 originally read: "The Governor, Superintendent of Public Instruction, Secretary of State and Attorney General shall constitute the State Board of Land Commissioners, who shall have the direction, control and disposition of the public lands of the State, under such regulations as may be prescribed by law."]

But November, 1910, Section 9 was amended to read as follows:

Sec. 9. State Board of Land Commissioners.—The State board of land commissioners shall be composed of three (3) persons to be appointed by the Governor, with the consent of the Senate, who shall have the direction, control and disposition of the public lands of the State under such regulations as are and may be prescribed by law, one of which persons shall at the time of his appointment be designated as president of the board and whose office shall expire on the second Tuesday of January, 1917, one of which persons shall at the time of his appointment be designated as register of the board and whose term of office shall expire on the second Tuesday of January, 1915, and the third member of said board shall at the time of his appointment be designated as the engineer of the board and shall always be professionally a civil engineer, who, for at least five (5) years, has been actively engaged in the practice of his profession and whose term of office shall expire on the second Tuesday of January, 1913; and the successor and successors of the first members of the board shall each be appointed for the terms of six (6) years.

Sec. 10. Control of public lands.—It shall be the duty of the State Board of Land Commissioners to provide for the location, protection, sale or other disposition of all the lands heretofore, or which may hereafter be granted to the State, by the General Government, under such regulations as may be prescribed by law; and in such manner as will secure the maximum possible amount therefor. No law shall ever be passed by the General Assembly granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the General Government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The General Assembly shall, at the earliest practicable period, provide by law that the several grants of land made by Con-

gress to the State shall be judiciously located and carefully preserved and held in trust subject to disposal, for the use and benefit of the respective objects for which said grants of land were made, and the General Assembly shall provide for the sale of said lands from time to time; and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

Sec. 11. Compulsory education.—The General Assembly may require, by law, that every child of sufficient mental and physical ability, shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

Sec. 12. Regents of the state university.—There shall be elected by the qualified electors of the State, at the first general election under this Constitution, six Regents of the University, who shall immediately after their election be so classified, by lot, that two shall hold their office for the term of two years, two for four years and two for six years; and every two years after the first election there shall be elected two Regents of the University, whose term of office shall be six years. The Regents thus elected, and their successors, shall constitute a body corporate, to be known by the name and style of "The Regents of the University of Colorado."

Sec. 13. The president of the state university.—The Regents of the University shall, at their first meeting, or as soon thereafter as practicable, elect a president of the University, who shall hold his office until removed by the Board of Regents for cause; he shall be, ex-officio, a member of the Board, with the privilege of speaking, but not of voting, except in cases of a tie; he shall preside at the meetings of the Board, and be the principal executive officer of the University, and a member of the faculty thereof.

Sec. 14. Authority of the regents.—The Board of Regents shall have the general supervision of the University, and the exclusive control and direction of all funds of, and appropriations to the University.

Sec. 15. School districts.—The General Assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a Board of Education, to consist of three or more directors, to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.

Sec. 16. Text-books.—Neither the General Assembly nor the State Board of Education shall have power to prescribe text-books to be used in the public schools.

ARTICLE X.

Revenue.

Sec. 1. Fiscal year.—The fiscal year shall commence on the first day of October in each year, unless otherwise provided by law.

Sec. 2. Taxation.—The General Assembly shall provide by law for an annual tax, sufficient, with other resources, to defray the estimated expenses of the State Government for each fiscal year.

[Section 3 originally read: "All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; Provided, That mines and mining claims bearing gold, silver and other precious metals (except the net proceeds and surface improvements thereof), shall be exempt from taxation for the period of ten years from the date of the adoption of this Constitution, and thereafter may be taxed as provided by law. Ditches, canals and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed, so long as they shall be owned and used exclusively for such purposes."]

But Section 3 was amended November 8, 1892, to read as follows:

[Section 3: "All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; Provided, That the household goods of every person being the head of a family, to the value of two hundred dollars, shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes; And Provided, Further, That the provisions of this section shall not effect such special assessments for benefits and municipal improvements as the corporate authorities of cities, towns or improvement districts may assess and collect under provisions to be prescribed by law."

But was re-amended November 8, 1904, to read as follows:

Sec. 3.—All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; Provided, That the personal property of every person being the head of a family, to the value of two hundred dollars, shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes.

Sec. 4. Property exempt from taxes.—The property, real and personal, of the State, counties, cities, towns and other municipal corporations, and public libraries, shall be exempt from taxation.

Sec. 5. Further exemption.—Lots, with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools, or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law.

Sec. 6. Further laws of exemption forbidden.—All laws exempting from taxation, property, other than that hereinbefore mentioned shall be void.

Sec. 7. Power to delegate authority to tax.—The General Assembly shall not impose taxes for the purposes of any county, city, town, or other municipal corporation, but may by law, vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporation.

Sec. 8. No release from taxation.—No county, city, town or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes.

Sec. 9. Corporations must be taxed.—The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended.

Sec. 10. Property of corporations subject to taxation.—All corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes, on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

[Section 11 originally read: "The rate of taxation on property for State purposes, shall never exceed six mills on each dollar of valuation, and whenever the taxable property within the State shall amount to one hundred million dollars, the rate shall not exceed four mills on each dollar of valuation; and whenever the taxable property within the State shall amount to three hundred million dollars, the rate shall never thereafter exceed two mills on each dollar of valuation unless a proposition to increase such rate, specifying the rate proposed, and the time during which the rate shall be levied, be first submitted to a vote of such of the qualified electors of the State as in the year next preceding such election, shall have paid a property tax assessed to them within the State, and a majority of those voting thereon shall vote in favor thereof, in such manner as may be provided by law."]

But Section 11 was amended November 2, 1920, to read as follows:

Sec. 11.—The rate of taxation of property, for state purposes, shall never exceed four mills on each dollar of valuation; Provided however, that in the discretion of the General Assembly an additional levy of not to exceed one mill on each dollar of valuation may from time to time be authorized for the erection of additional buildings at, and for the use, benefit, maintenance, and support of the State Educational Institutions; provided further, that the rate of taxation on property for all state purposes, including the additional levy herein provided for shall never exceed five mills on each dollar of valuation, unless otherwise provided in the Constitution.

Sec. 12. State treasurer's report.—The **Treasurer** shall keep a separate account of each fund in his hands; and shall, at the end of each quarter of the fiscal year report to the **Governor** in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury. The **Governor** shall cause every such report to be immediately published in at least one newspaper printed at the seat of government, and otherwise as the **General Assembly** may require. The **General Assembly** may provide by law further regulations for the safe keeping and management of the public funds in the hands of the **Treasurer,** but, notwithstanding any such regulation, the **Treasurer,** and his sureties shall in all cases be held responsible therefor.

Sec. 13. Making a profit on public money is a crime.—The making of profit, directly or indirectly, out of **State,** county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 14. Private property not liable for public debt.—Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 15. There shall be a Board of Equalization for the state, consisting of the Governor, State Auditor, State Treasurer, Secretary of State, and Attorney General. The duty of the said Board of Equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property of the several counties of the state, and the valuation of any item or items, of the various classes of such property.

There shall be in each county of this state a County Board of Equalization, consisting of the board of county commissioners of said county. The duty of the county board of Equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property within their respective counties, subject to revision, change and amendment by the State Board of Equalization. The State Board of Equalization and the County Board of Equalization shall be assessed at its full cash value and also perform such other duties as may be prescribed by law; Provided, however, that the State Board of Equalization shall have no power of original assessment.

Sec. 16. Limit on appropriations.—No appropriation shall be made nor any expenditure authorized by the General Assembly whereby the expenditure of the State during any fiscal year, shall exceed the total tax then provided for by law and applicable for such appropriation or expenditure unless the General Assembly making such appropriation shall provide for levying a sufficient tax not exceeding the rates allowed in section eleven of this Article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war.

ARTICLE XI.

Public Indebtedness.

Sec. 1. Pledging public credit forbidden.—Neither the State nor any county, city, town, township or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to or in aid of any person, company or corporation, public or private, for any amount, or for any purpose whatever; or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the State.

Sec. 2. Aid to private undertakings forbidden.—Neither the State nor any county, city, town, township or school district, shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the State, except as to such ownership as may accrue to the State by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the State, or to any county, city, town, township or school district, or to either or any of them, jointly with any person, company or corporation, by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on

behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties, or forfeiture or recognizance, breach of condition of official bond, or of bond, to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

Sec. 3. Public debt.—The State shall not contract any debt by loan in any form, except to provide for casual deficiencies of revenue, erect public buildings for use of the State, suppress insurrection, defend the State, or, in time of war, assist in defending the United States; and the amount of the debt contracted in any one year to provide for deficiencies of revenue shall not exceed one-fourth of a mill on each dollar of valuation of taxable property within the State, and the aggregate amount of such debt shall not at any time exceed three-fourths of a mill on each dollar of said valuation until the valution shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars; and the debt incurred in any other year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation, and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in Section Five of this Article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt.

November, 1910, the following was added to Section 3.

Provided, that, in addition to the amount of debt that may be incurred, as above, the state may contract a debt by loan for the purpose of paying the principal and accrued interest of all the outstanding warrants issued by this state during and for the years, 1887, 1888, 1889, 1892, 1893, 1894 and 1897, said debt to be evidenced by registered coupon interest-bearing funding bonds to an amount not exceeding $2,115,000.00, or so much thereof as may be necessary to pay said warrants and interest thereon.

Said funding bonds shall be dated December 1, 1910, shall be payable at the option of the State of Colorado at any time after ten years from their date, shall be absolutely due and payable fifty (50) years after their date, and shall be of the denomination of One Hundred Dollars ($100.00) each, or any multiple thereof. The interest on said bonds shall be payable semi-annually at the rate of three per cent. per annum at the office of the state treasurer, or at some place in the City of New York, U. S. A , and the principal of said bonds shall be payable at the office of the state treasurer.

No such bonds shall be issued except at par and accrued interest, and upon the contemporaneous surrender and cancellation of a like amount of principal and interest of said warrants.

Said bonds to an amount equaling the principal of said warrants now held by the public school fund shall be regis-

tered by the State Auditor and State Treasurer in the name and for the benefit of and payable only to the said fund and shall not be transferable.

And all such bonds to an amount equaling the interest on said warrants now held in the school fund shall be sold by the State Treasurer at not less than par and accrued interest, and the proceeds thereof paid into the school fund, and distributed to the several counties and school districts of the state for school purposes, in the proportions and in the manner required by law.

November 1920 the following was added to Section 3:

"And provided further, that, in addition to the amount of debt that may be incurred as above, the state may contract a debt by loan for the purpose of creating a fund to be expended as provided by law, by the State Highway Commission for the construction and improvement of public highways in the State of Colorado; said debt to be evidenced by registered coupon interest-bearing bonds to an amount not exceeding five million dollars.

"Said bonds, to an extent not exceeding two million dollars, shall be dated June 1st, 1921; not exceeding three million dollars, dated June 1st, 1922; and said bonds shall be payable at the option of the State of Colorado at any time after ten years from their respective dates, and shall be of the denomination of fifty dollars ($50.00) each or any multiple thereof. The interest on said bonds shall be payable semi-annually at the rate of five per cent (5%) per annum, at the office of the State Treasurer, or at some place in the City of New York, U. S. A., and the principal of said bonds shall be payable at the office of the State Treasurer.

"No such bonds shall be issued except at par and accrued interest.

"Fifty per centum of the proceeds from the sales of said bonds shall be divided among the various counties of the state according to the mileage of state routes and state highways within said counties, and the remaining fifty per centum of the proceeds from the sale of said bonds shall be used by the State Highway Commission only to meet and accept Federal aid awarded to the State of Colorado by United States Congressional Acts.

"The General Assembly shall, as by law provided, enact all such laws as may be necessary with reference to said bonds and with reference to carrying out the projects and purposes herein specified."

Sec. 4. Law creating debt.—In no case shall any debt above mentioned in this Article be created except by a law which shall be irrepealable, until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purposes to which the funds so raised shall be applied, and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of such

debt within the time limited by such law for the payment thereof, which in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue, shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same, and when the debt thereby created shall be paid or discharged, such tax shall cease, and the balance, if any, to the credit of the fund shall immediately be placed to the credit of the general fund of the State.

Section. 5. Debt for public buildings.—A debt for the purpose of erecting public buildings may be created by law, as provided for in Section four of this Article, not exceeding in the aggregate three mills on each dollar of said valuation, **Provided,** That before going into effect, such law shall be ratified by the vote of a majority of such qualified electors of the State as shall vote thereon at a general election under such regulations as the General Assembly may prescribe.

[Section 6 originally read: "No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges, and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county, following, to-wit: Counties in which the assessed valuation of taxable property shall exceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof; Counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof; and the aggregate amount of indebtedness of any county for all purposes, exclusive of debts contracted before the adoption of this Constitution, shall not at any time exceed twice the amount above herein limited, unless when in manner provided by law, the question of incurring such debt shall, at a general election, but submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last therein mentioned; Provided, That this Section shall not apply to counties having a valuation of less than one million of dollars."]

But Section 6 was amended November 6, 1888, and reads as follows:

Sec. 6. County debts—Limits.—No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges; and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county, following, to-wit: Counties in which the assessed valuation of taxable property shall exceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof; counties in which such valuation shall be less than five millions of dollars, three dollars of each thousand

dollars thereof; and the aggregate amount of indebtedness of any county for all purposes, exclusive of debts contracted before the adoption of this Constitution, shall not at any time exceed twice the amount above herein limited unless when in manner provided by law, the question of incurring such debt shall, at a general election, be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned; **Provided,** That any county in this State which has an indebtedness outstanding, either in the form of warrants issued for purposes provided by law prior to December 31, A. D., 1886, or in form of funding bonds issued prior to such date for such warrants previously outstanding, or in the form of public building, road or bridge bonds outstanding at such date, may contract a debt by loan by the issuance of bonds for the purpose of liquidating such indebtedness, provided the question of issuing said bonds shall, at a general or special election called for that purpose, be submitted to the vote of such of the duly qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed in such county, and the majority of those voting thereon shall vote in favor of issuing the bonds. Such election shall be held in the manner prescribed by the laws of this State for the issuance of road, bridge and public building bonds, and the bonds authorized at such election shall be issued and provision made for their redemption in the same manner as provided in said law.

Sec. 7. Debt for school buildings.—No debt by loan in any form shall be contracted by any school district for the purpose of erecting and furnishing school buildings, or purchasing grounds, unless the proposition to create such debts shall first be submitted to such qualified electors of the district as shall have paid a school tax therein, in the year next preceding such election, and a majority of those voting thereon shall vote in favor of incurring such debt.

Sec. 8. City indebtedness.—No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrepealable, until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax, not exceeding twelve (12) mills on each dollar of valuation of taxable property within such city or town sufficient to pay the annual interest and extinguish the principal of such debt within fifteen, but not less than ten years from the creation thereof, and such tax when collected shall be applied only to the

purposes in such ordinance specified, until the intebtedness shall be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilmen, aldermen, or officers of such city or town, be submitted to a vote of such qualified electors thereof as shall in the year next preceding have paid a property tax therein, and a majority of those voting on the question by ballot deposited in a separate ballot-box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent. of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. Restriction of this article not retroactive.—Nothing contained in this Article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted by any county, city, town, or school district, in accordance with the laws of **Colorado Territory**, or prevent the contracting of any debt, or the issuing of bonds therefor in accordance with said laws upon any proposition for that purpose which may have been, according to said laws, submitted to a vote of the qualified electors of any county, city, town or school district, before the day on which this **Constitution** takes effect.

ARTICLE XII.

Officers.

Sec. 1. When offices expire.—Every person holding any civil office under the **State**, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply to members of the **General Assembly**, nor to members of any **Board** or **Assembly**, two or more of whom are elected at the same time; the **General Assembly** may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

Sec. 2. Personal attention required.—No person shall hold any office or employment of trust or profit, under the laws of the **State**, or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

Sec. 3. Defaulting collector.—No person who is now or hereafter may become a collector or receiver of public money, or the deputy, or assistant of such collector or receiver, and who shall have become a defaulter in his office, shall be eligible to or assume the duties of any office of trust or profit in this **State** under the laws thereof, or of any municipality

therein, until he shall have accounted for and paid over all public money for which he may be accountable.

Sec. 4. Disqualifications for office.—No person hereafter convicted of embezzlement of public money, bribery, perjury, solicitation of bribery, or subordination of perjury, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

Sec. 5. Supervising power of the district court.—The District Court of each county shall, at each term thereof, specially give in charge to the grand jury, if there be one, the laws regulating the accountability of the County Treasurer, and shall appoint a committee of such grand jury, or of other reputable persons, not exceeding five, to investigate the official accounts and affairs of the Treasurer of such county, and report to the Court the condition thereof. The Judge of the District Court may appoint a like committee in vacation at any time, but not oftener than once in every three months. The District Court of the County wherein the seat of government may be shall have the like power to appoint committees to investigate the official accounts and affairs of the State Treasurer and the Auditor of State.

Sec. 6. Bribery defined.—Any civil officer or member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote, official influence or action, or for withholding the same, or with an understanding that his official influence or action shall be in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid for another, as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, or solicitation of bribery as the case may be, within the meaning of this Constitution, and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be prescribed by law.

Sec. 7. Oath of members of general assembly.—Every member of the General Assembly shall, before he enters upon his official duties, take an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of his office according to the best of his ability. This oath or affirmation shall be administered in the Hall of the House to which the member shall have been elected.

Sec. 8. Oath of civil officers.—Every civil officer, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of the office upon which he shall be about to enter.

Sec. 9. Where oaths must be filed.—Officers of the Executive Department and Judges of the Supreme and District Courts, and District Attorneys, shall file their oaths of office with the Secretary of State; every other officer shall file his oath of office with the County Clerk of the county wherein he shall have been elected.

Sec. 10. Vacancy.—If any person elected or appointed to any office shall refuse or neglect to qualify therein within the time prescribed by law, such office shall be deemed vacant.

Sec. 11. Term of officer elected to fill vacancy.—The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

Sec. 12. Duel.—No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in the State.

ARTICLE XIII.

Impeachments.

Sec. 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

Sec. 2. Who may be impeached.—The Governor and other State and Judicial officers, except County Judges and Justices of the Peace, shall be liable to impeachment for high crimes or misdemeanor, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Sec. 3. Other officers subject to removal.—All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE XIV.

Counties.

Sec. 1. The several counties of the Territory of Colorado, as they now exist, are hereby declared to be counties of the State.

Sec. 2. Removal of county seats.—The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law, and no county seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in four years, and no person shall vote on such proposition who shall not have resided in the county six months and in the election precinct ninety days next preceding such election.

Sec. 3. Division of counties.—No part of the territory of any county shall be stricken off and added to an adjoining county, without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off; nor unless a majority of all the qualified voters of said county voting on the question, shall vote therefor.

Sec. 4. New counties.—In all cases of the establishment of any new county, the new county shall be held to pay its ratable proportion of all then existing liabilities, of the county or counties from which such new county shall be formed.

Sec. 5. Debts.—When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

County Officers.

[Section 6 originally read: "In each county there shall be elected for the term of three years, three County Commissioners, who shall hold sessions for the transaction of county business as provided by law, any two of whom shall constitute a quorum for the transaction of business. One of said Commissioners shall be elected on the first Tuesday in October, eighteen hundred and seventy-six, and every year thereafter one such officer shall be elected in each county, at the general election, for the term of three years; Provided, That when the population of any county shall exceed ten thousand, the Board of County Commissioners may consist of five members, who shall be elected as provided by law, any three of whom shall constitute a quorum for the transaction of business."]

But Section 6 was amended November 4, 1902, to read as follows:

Sec. 6. County Commissioners.—In each county having a population of less than seventy thousand, there shall be

elected, for a term of four years each, three county commissioners, who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. Two of said commissioners shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other one of said commissioners shall be elected at the general election in the year nineteen hundred and six, and at the general election every four years thereafter; **Provided,** That when the population of any county shall equal or exceed seventy thousand, the board of county commissioners may consist of five members, any three of whom shall constitute a quorum for the transaction of business. Three of said commissioners in said county shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other two of said commissioners in such county shall be elected at the general election in the year nineteen hundred and six and every four years thereafter; and all of such commissioners shall be elected for the term of four years. The term of office of the county commissioners in each county that expires in January, 1904, is hereby extended to the second Tuesday in January, A. D. 1905, and the term of office of the county commissioners that expires in January, 1906, is hereby extended to the second Tuesday in January, A. D. 1907; and in counties having a population of more than seventy thousand, the term of office of the commissioners that expires in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of the county commissioners that expires in 1906 is hereby extended to the second Tuesday in January, 1907. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

Sec. 7. Compensation.—The compensation of all county and precinct officers shall be as provided by law.

[Section 8 originally read: "There shall be elected in each county, on the first Tuesday in October, in the year eighteen hundred and seventy-seven, and every alternate year forever thereafter, one county clerk, who shall be ex-officio Recorder of Deeds and Clerk of the Board of County Commissioners; one Sheriff; one Coroner; one Treasurer, who shall be collector of taxes; one County Superintendent of Schools; one County Surveyor; and one County Assessor."]

But Section 8 was amended November 4, 1902, to read as follows:

Sec. 8. Other county officers.—There shall be elected in each county, at the same time at which members of the General Assembly are elected, commencing in the year nineteen hundred and four, one county clerk, who shall be ex officio

recorder of deeds and clerk of the board of County Commissioners; one Sheriff; one Coroner; one Treasurer, who shall be collector of taxes; one County Superintendent of Schools; one County Surveyor; one County Assessor; one County Attorney, who may be elected, or appointed, as shall be provided by law; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials that expire in January, 1904, is hereby extended to the second Tuesday in January, A. D., 1905. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

Sec. 9. Vacancy—How filled.—In case of a vacancy occurring in the office of County Commissioner, the Governor shall fill the same by appointment; and in case of a vacancy in any other county office, or in any precinct office, the board of County Commissioners shall fill the same by appointment; and the person appointed shall hold the office until the next general election, or until the vacancy be filled by election according to law.

Sec. 10. Voter only eligible to office.—No person shall be eligible to any county office unless he shall be a qualified elector; nor unless he shall have resided in the county one year preceding his election.

[Section 11 originally read: "There shall, at the first election at which county officers are chosen, and annually thereafter, be elected in each precinct, one Justice of the Peace, and one Constable, who shall each hold his office for the term of two years; Provided, That in precincts containing five thousand or more inhabitants, the number of Justices and Constables may be increased as provided by law."]

But Section 11 was amended November 4, 1902, to read as follows:

Sec. 11. There shall be elected at the same time at which members of the General Assembly are elected, beginning with the year nineteen hundred and four, two Justices of the Peace and two Constables in each precinct in each county, who shall hold their office for a term of two years; Provided, That, in precincts containing fifty thousand (50,000) or more inhabitants, the number of Justices and Constables may be increased as provided by law. The term of office of all Justices of the Peace that expires in January, 1904, is hereby extended to the second Tuesday in January, 1905. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

Sec. 12. Other officers.—The General Assembly shall provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require; and their terms of office shall be as prescribed by law, not in any case to exceed two years.

Sec. 13. Classification of cities and towns.—The General Assembly shall provide by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

Sec. 14. Incorporation of cities.—The General Assembly shall also make provision, by general law, whereby any city, town, or village, incorporated by any special or local law, may elect to become subject to and be governed by the general law relating to such corporations.

Sec. 15. Classification of counties.—For the purpose of providing for and regulating the compensation of county and precinct officers, the General Assembly, shall, by law classify the several counties of the State according to population, and shall grade and fix the compensation of the officers within the respective classes according to the population thereof. Such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein, for services to be performed by them respectively, and where salaries are provided, the same shall be payable only out of the fees actually collected in all cases where fees are prescribed. All fees, perquisites and emoluments above the amount of such salaries shall be paid into the county treasury.

ARTICLE XV.

Corporations.

Sec. 1. Unused charters void.—All existing charters or grants of special or exclusive privileges, under which the corporators or grantees shall not have organized and commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 2. Charters.—No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are or may be under the control of the State; but the General Assembly shall provide by general laws for the organization of corporations hereafter to be created.

Sec. 3. Power to revoke charters.—The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the corporators.

Sec. 4. All railroads are common carriers.—All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this State, and to connect at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad.

Sec. 5. Consolidation of competing railroads forbidden.—No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation owning or having under its control a parallel or competing line.

Sec. 6. Equal rights to transportation.—All individuals, associations and corporations shall have equal rights to have persons and property transported over any railroad in this State, and no undue or unreasonable discrimination shall be made in charges or in facilities for transportation of freight or passengers within the State, and no railroad company, nor any lessee, manager or employe thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Sec. 7. Railroads required to accept constitution.—No railroad or other transportation company in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution, in binding form.

Sec. 8. Eminent domain.—The right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Sec. 9. Fictitious stock forbidden.—No corporation shall issue stocks or bonds, except for labor done, service performed or money or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

Sec. 10. Foreign corporation must have agent.—No foreign corporation shall do any business in this State without

having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

Sec. 11. Street railways.—No street railroad shall be constructed within any city, town or incorporated village, without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

Sec. 12. Retrospective laws forbidden.—The General Assembly shall pass no law for the benefit of a railroad or other corporation, or any individual, or association of individuals, retrospective in its operations, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already past.

Sec. 13. Telegraph lines.—Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law, of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Sec. 14. Courts' jurisdiction over railroad, etc.—If any railroad, telegraph, express or other corporation organized under any of the laws of this State, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation organized under any laws of any other State or Territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the state in all matters which may arise, as if said consolidation had not taken place.

Sec. 15. Employes cannot release liability.—It shall be unlawful for any person, company or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void.

ARTICLE XVI.

Mining and Irrigation.

Mining.

Sec. 1. Commissioner of mines.—There shall be established and maintained the office of **Commissioner of Mines**, the duties and salary of which shall be prescribed by law. When said office shall be established, the **Governor** shall, with the advice and consent of the **Senate**, appoint thereto a person known to be competent, whose term of office shall be four years.

Sec. 2. Ventilation of mines and child labor.—The **General Assembly** shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein; and shall prohibit the employment in the mines of children under twelve years of age.

Sec. 3. Drainage of mines.—The **General Assembly** may make such regulations, from time to time, as may be necessary for the proper equitable drainage of mines.

Sec. 4. Science of mining may be taught.—The **General Assembly** may provide that the science of mining and metallurgy be taught in one or more of the institutions of learning under the patronage of the **State**.

Irrigation.

Sec. 5. Water, public property.—The water of every natural stream, not heretofore appropriated, within the **State** of **Colorado**, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the **State**, subject to appropriation as hereinafter provided.

Sec. 6. Unappropriated water.—The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

Sec. 7 Right of way for ditches.—All persons and corporations shall have the right of way across public, private and corporate lands for the construction of ditches, canals and flumes, for the purpose of conveying water for domestic pur-

poses, for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

Sec. 8. Who may fix rate of water.—The General Assembly shall provide by law that the Board of County Commissioners, in their respective counties, shall have power, when application is made to them by either party interested, to establish reasonable maximum rates to be charged for the use of water, whether furnished by individuals or corporations.

ARTICLE XVII.

Militia.

Sec. 1. Members of the militia.—The Militia of the State shall consist of all able-bodied male residents of the State, between the ages of eighteen and forty-five years; Except such persons as may be exempted by the laws of the United States or of the State.

Sec. 2. Original body of the militia.—The organization, equipment and discipline of the militia shall conform as nearly as practicable, to the regulations for the government of the armies of the United States.

Sec. 3. Officers.—The Governor shall appoint all General Field and Staff Officers, and commission them. Each company shall elect its own officers, who shall be commissioned by the Governor; but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the Governor.

Sec. 4. Armories.—The General Assembly shall provide for the safe keeping of the public arms, military records, relics and banners of the State.

Sec. 5. Exemption from service in time of peace.—No person having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace; Provided, Such person shall pay an equivalent for such exemption.

Miscellaneous.

Sec. 1. Homestead laws.—The General Assembly shall pass liberal homestead and exemption laws.

Sec. 2. Lotteries forbidden.—The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

Sec. 3. Arbitration laws.—It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide difference by arbitrators, to be appointed by

mutual agreement of the parties to any controversy, who may choose that mode of adjustment. The powers and duties of such arbitrators shall be as prescribed by law.

Sec. 4. Felony defined.—The term felony, wherever it may occur in this Constitution, or the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Sec. 5. Spurious and drugged liquors.—The General Assembly shall prohibit by law the importation into this State, for the purpose of sale, of any spurious, poisonous or drugged spirituous liquors, or spirituous liquors adulterated with any poisonous or deleterious substance, mixture, or compound; and shall prohibit the compounding or manufacture within this State, except for chemical or mechanical purposes, of any of said liquors, whether they be denominated spirituous, vinous, malt or otherwise; and shall also prohibit the sale of any such liquors to be used as a beverage, and any violation of either of said prohibitions shall be punished by fine and imprisonment. The General Assembly shall provide by law for the condemnation and destruction of all spurious, poisonous or drugged liquors herein prohibited.

Sec. 6. Preservation of forests.—The General Assembly shall enact laws in order to prevent the destruction of, and to keep in good preservation, the forests upon the lands of the State, or upon the lands of the public domain, the control of which shall be conferred by Congress upon the State.

Sec. 7. Orchard lands may be exempt from taxation.—The General Assembly may provide that the increase in the value of private lands caused by the planting of hedges, orchards, and forests thereon, shall not, for a limited time to be fixed by law, be taken into account in assessing such lands for taxation.

Sec. 8. Promulgation of laws.—The General Assembly shall provide for the publication of the laws passed at each session thereof. And until the year 1900 they shall cause to be published in Spanish and German a sufficient number of copies of said Laws to supply that portion of the inhabitants of the State who speak those languages, and who may be unable to read and understand the English language.

ARTICLE XIX.

Amendments.

Sec. 1. How to amend the constitution by convention.—The General Assembly may at any time, by a vote of two-thirds of the members elected to each House, recommend to the electors of the State, to vote at the next general election for or against a convention to revise, alter, and amend this Constitution; and if a majority of those voting on the question shall declare in favor of such convention, the General Assembly shall, at its next session, provide for the calling

thereof. The number of members of the Convention shall be twice that of the Senate, and they shall be elected in the same manner, at the same places, and in the same districts. The General Assembly shall, in the Act of calling the Convention designate the day, hour, and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the Convention. Before proceeding, the members shall take an oath to support the Constitution of the United States, and of the State of Colorado, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the Senate; and vacancies occuring shall be filled in the manner provided for filling vacancies in the General Assembly... Said Convention shall meet within three months after such election, and prepare such revisions, alterations, or amendments to the Constitution as may be deemed necessary; which shall be submitted to the electors for their ratification or rejection, at an election appointed by the Convention for that purpose, not less than two nor more than six months after adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration, or amendment shall take effect.

[Section 2 originally read: "Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each House, such proposed amendments, together with the ayes and noes of each House thereon, shall be entered in full on their respective journals; and the Secretary of State shall cause the said amendment or amendments to be published in full in at least one newspaper in each county (if such there be) for three months previous to the next general election for members to the General Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this Constitution; but the General Assembly shall have no power to propose amendments to more than one Article of this Constitution at the same session."]

But Section 2 was amended November 6, 1900, to read as follows:

Sec. 2. Amendments may be submitted by the General Assembly.—Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each House, such proposed amendment or amendments, together with the ayes and noes of each House thereon, shall be entered in full on their respective journals; the proposed amendment or amendments shall be published with the laws of that session of the General Assembly, and the Secretary of State shall also cause the said amendment or amendments to be published in full in not more than one newspaper of general circulation in each county, for four successive weeks previous to the next general election for mem-

bers to the General Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this Constitution.

Provided, That if more than one amendment be submitted at any general election, each of said amendments shall be voted upon separately and votes thereon cast shall be separately counted the same as though but one amendment was submitted. But the General Assembly shall have no power to propose amendments to more than six articles of this Constitution at the same session.

Article XX was added to the Constitution by amendment, November 4, 1902.

ARTICLE XX.

City and County of Denver. Incorporation.

Sec. 1. The municipal corporation known as the City of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the State of Colorado, included within the exterior boundaries of the said City of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the "City and County of Denver." By that name said corporation shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said City of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed or held by the said county of Arapahoe, and shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property; may receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, power plants, transportation systems, heating plants,

and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefore, for the use of said city and county and the inhabitants thereof, and any such systems, plants or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided.

The general annexation and consolidation statutes of the state shall apply to the city and county of Denver to the same extent and in the same manner that they would apply to the City of Denver if it were not merged, as in this amendment provided, into the City and County of Denver. Any contiguous town, city or territory hereafter annexed to or consolidated with the City and County of Denver, under any of the laws of this State, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the City and County of Denver, together with all property thereunto belonging.

The City and County of Denver shall alone always constitute one judicial district of the State.

Officers.

Sec. 2. The officers of the City and County of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but every charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the Constitution or by the general law, as far as applicable. If any officer of said City and County of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, and paid out of the treasury of the city and county of Denver in equal monthly payments.

Transfer of Government.

Sec. 3. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the Governor of the State to issue his proclamation accordingly, and thereupon the City of Denver, and all municipal corporations and that part of the County of Arapahoe within the boundaries of said City, shall merge into the City and

County of Denver, and the terms of office of all officers of the City of Denver and of all included municipalities and of the County of Arapahoe shall terminate; except that the then Mayor, Auditor, Engineer, Council (which shall perform the duties of a Board of County Commissioners), Police Magistrate, Chief of Police and Boards, of the City of Denver, shall become, respectively, said officers of the City and County of Denver, and said Engineer shall be ex officio Surveyor, and said Chief of Police shall be ex officio Sheriff of the City and County of Denver; and the then Clerk and ex officio Recorder, Treasurer, Assessor and Coroner of the County of Arapahoe, and the Justices of the Peace and Constables holding office within the City of Denver, shall become, respectively, said officers of the City and County of Denver, and the District Attorney shall also be ex officio Attorney of the City and County of Denver. The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then District Judge, County Judge and District Attorney shall serve their full terms, respectively, for which elected. The Police and Firemen of the City of Denver, except the Chief of Police as such, shall continue severally as the Police and Firemen of the City and County of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department of Fire and Police, and the Department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

First Charter.

Sec. 4. The charter and ordinances of the City of Denver, as the same shall exist when this amendment takes effect, shall, for the time being only, as far as applicable, be the charter and ordinances of the City and County of Denver; but the people of the City and County of Denver are hereby vested with, and they shall always have, the exclusive power in the making, altering, revising or amending their charter, and within ten days after the proclamation of the Governor announcing the adoption of this amendment, the Council of the City and County of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said City and County of Denver, for the election of twenty-one taxpayers, who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention, to frame a charter for said City and County in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said City and County, who shall publish the same in full, with his official certification, in the official newspaper of said City and County, three times, and a week apart, the first publication

being with the call for a special election, at which the qualified electors of said City and County shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against), duly certified by the said Clerk, shall, within ten days after such vote is taken, be filed with the Secretary of State, and shall thereupon become and be the charter of the City and County of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election, to be called as above in said City and County, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection), until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the Secretary of State as aforesaid, whereupon it shall become the charter of the said City and County of Denver, and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.

Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid to the officers and members thereof, allowing no compensation in case of non-attendance or tardy-attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the City and County of Denver.

All expenses of charter conventions shall be paid out of the treasury upon the order of the President and Secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury, upon the order of the council.

No franchise, relating to any street, alley or public place of the said City and County shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise. The Council shall have power to fix the rate of taxation on property each year for City and County purposes.

New Charters. Amendments of Measures.

Sec. 5. The citizens of the City and County of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided:

It shall be competent for qualified electors, in number not less than five per cent. of the next preceding gubernatorial vote in said City and County, to petition the Council for any measure, or charter amendment, or for a charter convention. The Council shall submit the same to a vote of the qualified electors at the next general election, not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten per cent. of the next preceding gubernatorial vote in said City and County, with a request for a special election, the Council shall submit it at a special election, to be held not less than thirty nor more than sixty days from the date of filing the petition; Provided, That any question so submitted at a special election shall not again be submitted at a special election within two years thereafter. In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance, as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

The Clerk of the City and County shall publish, with his official certification for three times, a week apart, in the official newspaper, the first publication to be with his call for the election, general or special, the full text of any charter, charter amendment, measure or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters. Within ten days following the vote the said Clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which shall have been approved by a majority of those voting thereon, and he shall file with the Secretary of State two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing. He shall also certify to the Secretary of State, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention. Each charter shall also provide for a reference, under proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper. Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for use at elections and references.

No charter, charter amendment, or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revised, except by petition and electoral vote. And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the General Assembly, or interfere in any wise with the collection of state taxes.

Cities of the First and Second Class.

[Section 6 originally read as follows: "Cities of the first and second class in this State are hereby empowered to propose for submission to a vote of the qualified electors, proposals for charter conventions and to hold the same, and to amend any such charter, with the same force and in the same manner and have the same power, as near as may be, as set out in sections four (4) and five (5) hereof, with full power as to real and personal property and public utilities, works or ways, as set out in section one (1) of this amendment."]

But November, 1912, Section 6 was amended to read as follows:

Section 6. The people of each city or town in this State, having a population of two thousand inhabitants as determined by the last preceding census taken under the authority of the United States, the State of Colorado or said city or town, are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the State in conflict therewith.

Proposals for charter conventions shall be submitted by the city council or board of trustees, or other body in which the legislative powers of the city or town shall then be vested, at special elections, or at general state or municipal elections, upon petitions filed by qualified electors, all in reasonable conformity with Section 5 of this article, and all proceedings thereon or thereafter shall be in reasonable conformity with Sections 4 and 5 of this article.

From and after the certifying to and filing with the Secretary of State of a charter framed and approved in reasonable conformity with the provisions of this article, such city or town, and the citizens thereof, shall have the powers set out in Sections 1, 4 and 5 of this article, and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:

a. The creation and terms of municipal offices, agencies and employments; the definition, regulation and alteration of the powers, duties, qualifications and terms or tenure of all municipal officers, agents and employes;

b. The creation of police courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of police magistrates therefor;

c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof;

d. All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections or electoral votes non-partisan in character;

e. The issuance, refunding and liquidation of all kinds of municipal obligations, including bonds and other obligations of park, water and local improvement districts;

f. The consolidation and management of park or water districts in such cities or towns or within the jurisdiction thereof; but no such consolidation shall be effective until approved by the vote of a majority, in each district to be consolidated, of the qualified electors voting therein upon the question;

g. The assessment of property in such city or town for municipal taxation and the levy and collection of taxes thereon for municipal purposes and special assessments for local improvements; such assessment, levy and collection of taxes and special assessments to be made by municipal officials or by the county or state officials as may be provided by the charter;

h. The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter.

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters, and the enumeration herein of certain powers shall not be construed to deny to such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.

The statutes of the State of Colorado, so far as applicable, shall continue to apply to such cities and towns, except in so far as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.

All provisions of the charters of the City and County of Denver and the Cities of Pueblo, Colorado Springs and Grand Junction, as heretofore certified to and filed with the Secretary of State, and of the charter of any other city heretofore approved by a majority of those voting thereon and certified to and filed with the Secretary of State, which provisions are not in conflict with this article, and all elections and electoral votes heretofore had under and pursuant thereto, are hereby ratified, affirmed and validated as of their date.

Any act in violation of the provisions of such charter or of any ordinance thereunder shall be criminal and punishable as such when so provided by any statute now or hereafter in force.

The provisions of this section 6 shall apply to the City and County of Denver.

This article shall be in all respects self-executing.

School Districts Consolidated.

Sec. 7. The City and County of Denver shall alone always constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a Board of Education consisting of such numbers, elected in such manner as the general school laws of the State shall provide, and until the first election under said laws of a full Board of Education, which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1 and the respective presidents of the School Boards of school districts Nos. 2, 7, 17 and 21 at the time this amendment takes effect, shall act as such Board of Education, and all districts or special charters now existing are hereby abolished.

The said Board of Education shall perform all the acts and duties required to be performed for said district by the general laws of the State. Except as inconsistent with this amendment, the general school laws of the State shall, unless the context evinces a contrary intent, be held to extend and apply to the said "District No. 1."

Upon the annexation of any contiguous municipality which shall include a school district or districts, or any part of a district, said school district or districts or part shall be merged in said "District No. 1," which shall then own all the property thereof, real and personal, located within the boundaries of such annexed municipality, and shall assume and pay all the bonds, obligations and indebtedness of each of the said included school districts, and a proper proportion of those of partially included districts.

Provided, however, That the indebtedness, both principal and interest, which any school district may be under at the time when it becomes a part, by this amendment or by annexation, of said "District No. 1," shall be paid by said school district so owning the same by special tax, to be fixed and certified by the Board of Education to the council, which shall levy

the same upon the property within the boundaries of such district, respectively, as the same existed at the time such district becomes a part of said "District No. 1," and in case of partially included districts, such tax shall be equitably apportioned upon the several parts thereof.

Sec. 8. Anything in the Constitution of this State in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

Article XXI was adopted in November, 1912.

ARTICLE XXI.

Recall from Office.

Section 1. Every elective public officer of the State of Colorado may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner herein provided for, which procedure shall be known as the Recall, and shall be in addition to and without excluding any other method of removal provided by law.

The procedure hereunder to effect the recall of an elective public officer shall be as follows:

A petition signed by electors entitled to vote for a successor of the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding election for all candidates for the position which the incumbent sought to be recalled occupies, demanding an election of the successor to the officer named in said petition, shall be filed in the office in which petitions for nominations to office held by the incumbent sought to be recalled are required to be filed; Provided, if more than one person is required by law to be elected to fill the office of which the person sought to be recalled is an incumbent, then the said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding general election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office, at the last preceding general election; and such petition shall contain a general statement, in not more than two hundred words, of the ground or grounds on which such recall is sought, which statement is intended for the information of the electors, and the electors shall be the sole and exclusive judges of the legality, reasonableness and sufficiency of such ground or grounds assigned for such recall, and said ground or grounds shall not be open to review.

Section 2. Any recall petition may be circulated and signed in sections, provided each section shall contain a full

and accurate copy of the title and text of the petition; and such recall petition shall be filed in the office in which petitions for nominations to office held by the incumbent sought to be recalled are required to be filed.

The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street number, if any, should he reside in a town or city. The person circulating such sheet must make and subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, wilfully so made and subscribed, by such person, shall be perjury and be punished as such. All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signers shall be deemed and held to be qualified electors, unless a protest in writing under oath shall be filed in the office in which such petition has been filed, by some qualified elector, within fifteen days after such petition is filed, setting forth specifically the grounds of such protest, whereupon the officer with whom such petition is filed shall forthwith mail a copy of such protest to the person or persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest not less than five nor more than ten days after such notice is mailed. All hearings shall be before the officer with whom such protest is filed, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, and must be concluded within thirty days after such petition is filed, and the result thereof shall be forthwith certified to the person or persons representing the signers of such petition. In case the petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and may, within fifteen days thereafter, be amended and refiled as an original petition. The finding as to the sufficiency of any petition may be reviewed by any state court of general jurisdiction in the county in which such petition is filed, upon application of the person or a majority of the persons representing the signers of such petition, but such review shall be had and determined forthwith. The sufficiency, or the determination of the sufficiency, of the petition referred to in this section shall not be held, or construed, to refer to the ground or grounds assigned in such petition for the recall of the incumbent sought to be recalled from office thereby.

When such petition is sufficient, the officer with whom such recall petition was filed, shall forthwith submit said petition, together with a certificate of its sufficiency to the Governor, who shall thereupon order and fix the date for holding the election not less than thirty days nor more than sixty days from the date of submission of said petition: Provided, if a general election is to be held within ninety days after the date of submission of said petition, the recall election shall be held as part of said general election.

Section 3. If such officer shall offer his resignation, it shall be accepted, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law; but the person appointed to fill such vacancy shall hold his office only until the person elected at the recall election shall qualify. If such officer shall not resign within five days after the sufficiency of the recall petition shall have been sustained, the Governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangemwents for such election, and the same shall be conducted, returned and the result thereof declared in all respects as in the case of general elections.

On the official ballot at such election shall be printed in not more than 200 words, the reasons set forth in the petition for demanding his recall, and in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. If such officer shall resign at any time subsequent to the filing thereof, the recall election shall be called notwithstanding such resignation.

There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" Following such question shall be the words "Yes" and "No," on separate lines, with a blank space at the right of each, in which the voter shall indicate, by marking a cross (X), his vote for or against such recall.

On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled; but no vote cast shall be counted for any candidate for such office, unless the voter also voted for or against the recall of such person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in said office; if a majority shall vote "yes," such incumbent shall thereupon be deemed removed from such office upon the qualification of his successor.

If the vote had in such recall elections shall recall the officer then the candidate who has received the highest number of votes for the office thereby vacated shall be declared elected for the remainder of the term, and a crtificate of election shall be forthwith issued to him by the canvassing board. In case the person who received the highest number of votes shall fail to qualify within fifteen days after the issuance of a certificate of election, the office shall be deemed vacant, and shall be filled according to law.

Candidates for the office may be nominated by petition, as now provided by law, which petition shall be filed in the office in which petitions for nomination to office are required by law to be filed not less than fifteen days before such recall election.

Section 4. No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months, save and except it may be filed against any member of the state legislature at any time after five days from the convening and organizing of the legislature after his election.

After one recall petition and election no further petition shall be filed against the same officer during the term for which he was elected, unless the petitioners signing said petition shall equal fifty per centum of the votes cast at the last preceding general election for all of the candidates for the office held by such officer as herein above defined.

If at any recall election the incumbent whose recall is sought is not recalled, he shall be repaid from the State Treasury any money authorized by law and actually expended by him as expenses of such election; and the legislature shall provide appropriations for such purpose.

If the Governor is sought to be recalled under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant Governor; and if the Secretary of State is sought to be recalled, the duties herein imposed upon him, shall be performed by the State Auditor.

The recall may also be exercised by the electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city and town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per centum of the entire vote cast at the last preceding election, as in Section 1 hereof more particularly set forth for all the candidates for office which the incumbent sought to be recalled occupies, as herein above defined.

Every person having authority to exercise or exercising any public or governmental duty, power or function, shall be an elective officer, or one appointed, drawn or designated in accordance with law by an elective officer or officers, or by some board, commission, person or persons legally appointed by an elective officer or officers, each of which said elective officers shall be subject to the recall provisions of this Constitution; provided that, subject to regulation by law, any person may, without compensation therefor, file petitions, or complaints in courts concerning crimes, or do police duty only in cases of immediate danger to person or property.

Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities and counties, or cities having charters adopted under the authority given by the Constitution, except as in the last three preceding paragraphs expressed.

In the submission to the electors of any petition proposed under this Article, all officers shall be guided by the General Laws of the State, except as otherwise herein provided.

This Article is self executing, but legislation may be enacted to facilitate its operations, but in no way limiting or restricting the provisions of this Article, or the powers herein reserved.

ARTICLE XXII.

Intoxicating Liquors.

From and after the first day of January, 1916, no person, association or corporation shall, within this state, manufacture for sale or gift any intoxicating liquors; and no person, association or corporation shall import into this state any intoxicating liquors for sale or gift; and no person, association, or corporation shall, within this state, sell or keep for sale any intoxicating liquors or offer any intoxicating liquors for sale, barter or trade; provided, however, that the handling of intoxicating liquors for medical or sacramental purposes may be provided for by statute.

ARTICLE XXIII.

Publication of Legal Advertising.

Section 1. Legal Advertising.—"Proposed constitutional amendments and proposed initiated and referred bills shall be published in two issues of two newspapers of opposite political faith in each county in the state. This publication shall be made at least one week apart and not less than three nor more than five weeks before the election at which the said amendments or initiated or referred bills are to be voted upon."

[Adopted by vote of the people November 5, 1918.]

SCHEDULE.

Section
1. All laws remain till repealed.
2. Contracts—Recognizances Indictments.
3. Territorial property vests in state.
4. Duty of general assembly.
5. Supreme and district courts—Transition.
6. Judges—District attorneys—Terms commence on filing oath.
7. Seals of supreme and district courts.
8. Probate court—County court.
9. Terms probate court, probate judge, apply to county court, county judge.
10. County and precinct officers.
11. Vacancies in county offices.
12. Constitution takes effect on President's proclamation.
13. First election, contest.
14. First election—canvass.
15. Senators—Representatives—District.
16. Congressional election—canvass.
17. General assembly, first session—Restrictions removed.
18. First General election—canvass.
19. Presidential electors 1876.
20. Presidential electors after 1876.
21. Expenses of Convention.
22. Recognizances, bonds, payable to people continue.

That no inconvenience may arise by reason of the change in the form of government, it is hereby ordered and declared:

Section 1. All laws remain till repealed.—That all laws in force at the adoption of this constitution shall, so far as not inconsistent therewith, remain of the same force as if this Constitution had not been adopted, until they expire by their own limitation or are altered or repealed by the general assembly; all rights, actions, prosecutions, claims and contracts of the territory of Colorado, counties, individuals or bodies corporate (not inconsistent therewith) shall continue as if the form of government had not been changed and this constitution adopted.

Sec. 2. Contracts—Recognizances—Indictments.—That all recognizances, obligations and all other instruments entered into or executed before the admission of the state, to the territory of Colorado, or to any county, school district or other municipality therein, or any officer thereof, and all fines, taxes, penalties and forfeitures due or owing to the territory of Colorado, or any such county, school district or municipality, or officer; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the change of the form of government. All indictments which shall have been found, or may hereafter be found, and all informations which shall have been filed, or may hereafter be filed, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in the Constitution.

Sec. 3. Territorial property vests in state.—That all property, real and personal, and all moneys, credits, claims and choses in action, belonging to the territory of Colorado at the adoption of this Constitution, shall be vested in and become the property of the State of Colorado.

Sec. 4. Duty of general assembly.—The general assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

Sec. 5. Supreme and district courts—Transition.—Whenever any two of the judges of the supreme court of the state elected or appointed under the provisions of this Constitution shall have qualified in their office, the cause theretofore pending in the Supreme court of the territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State; and until so superseded the supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this Constitution had not been adopted. Whenever the judges of the district court of any district elected or appointed under the provisions of this Constitution, shall have qualified in his office, the several causes theretofore pending in the district court of the territory, within any county in such district, and the records, papers and proceedings of said dis-

trict court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the district court of the state, for such county, and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers to be exercised in the same judicial districts respectively as heretofore consituated under the laws of the territory.

Sec. 6. Judges—District attorneys—Terms commence on filing oath.—The terms of office of the several judges of the supreme and district courts and the district attorneys of the several judicial districts first elected under this constitution, shall commence from the day of filing their respective oaths of office in the office of the Secretary of State.

Sec. 7. Seals of supreme and district courts.—Until otherwise provided by law, the seals now in use in the supreme and district courts of this territory are hereby declared to be the seals of the supreme and district courts respectively of the state.

Sec. 8. Probate court—County court.—Whenever this Constitution shall go into effect, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the county court of the same county, and the said county court shall proceed to final decree or judgment, order or other determination, in the said several matters and causes, as the said probate court might have done if this Constitution had not been adopted. And until the election of the county judges provided for in this Constitution, the probate judges shall act as judges of the county courts within their respective counties, and the seal of the probate court in each county shall be the seal of the county court therein until the said court shall have procured a proper seal.

Sec. 9. Terms probate court, probate judge, apply to county court, county judge.—The terms "Probate Court" or "Probate Judge," whenever occurring in the statutes of Colorado territory, shall, after the adoption of this Constitution, be held to apply to the county court or county judge, and all laws specially applicable to the probate court in any county, shall be construed to apply to and be in force as to the county court in the same county, until repealed.

Sec. 10. County and precinct officers.—All county and precinct officers, who may be in office at the time of the adoption of this Constitution, shall hold their respective office for the full time for which they may have been elected, and until such time as their successors may be elected and qualified in accordance with the provision of this Constitution, and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted.

Sec. 11. Vacancies in county offices.—All county offices that may become vacant during the year eighteen hundred

and seventy-six by the expiration of the term of the persons elected to said offices, shall be filled at the general election on the first Tuesday in October in the year eighteen hundred and seventy-six, and, except county commissioners, the persons so elected shall hold their respective offices for the term of one year.

Sec. 12. Constitution takes effect on president's proclamation.—The provisions of this Constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the State of Colorado admitted into the Union; and the governor, secretary, treasurer, auditor and superintendent of public instruction of the territory of Colorado shall continue to discharge the duties of their respective offices after the admission of the state into the Union, until the qualification of the officers elected or appointed under the state government; and said officers, for the time they may serve, shall receive the same compensation as the state officers shall by law be paid for like services.

Sec. 13. First election, contest.—In case of a contest of election between candidates, at the first general election under this Constitution, for judges of the supreme, district or county courts, or district attorneys, the evidence shall be taken in the manner prescribed by territorial law; and the testimony so taken shall be certified to the secretary of state, and said officer, together with the governor and attorney-general, shall review the testimony and determine who is entitled to the certificate of election.

Sec. 14. First election—Canvass.—The votes at the first general election under this Constitution for the several officers provided for in this constitution who are to be elected at the first election shall be canvassed in the manner prescribed by the territorial law for canvassing votes for like offices. The votes cast for the judges of the supreme and district courts and district attorneys shall be canvassed by the county canvassing board in the manner prescribed by the territorial law for canvassing the votes for members of the general assembly; and the county clerk shall transmit the abstracts of votes to the secretary of the territory acting as secretary of state, under the same regulations as are prescribed by law for sending the abstract of votes for territorial offices; and the aforesaid acting secretary of state, auditor, treasurer, or any two of them, in the presence of the governor, shall proceed to canvass the votes, under the regulations of sections thirty-five and thirty-six of chapter twenty-eight of the Revised Statutes of Colorado Territory.

Sec. 15. Senators—Representatives—Districts.—Senators and members of the house of representatives shall be chosen by the qualified electors of the several senatorial and represenative districts as established in this Constitution until such districts shall be changed by law; and thereafter by the qualified electors of the several districts as the same shall be established by law.

Sec. 16. Congressional election—Canvass.—The votes cast for representatives in congress at the first election held under this Constitution shall be canvassed and the result determined in the manner provided by the laws of the territory for the canvass of votes for delegate in congress.

Sec. 17. General assembly, first session—Restrictions removed.—The provision of the Constiution that no bill, except the general appropriation bill introduced in either house after the first twenty-five days of the session shall become law, shall not apply to the first session of the general assembly; but no bill introduced in either house at the first session of the general assembly after the first fifty days thereof shall become a law.

Sec. 18. First general election—Canvass.—A copy of the abstracts of the votes cast at the first general election held under the Constitution shall by the county clerks of the several counties be returned to the secretary of the territory immediately after the canvass of said votes in their several counties; and the secretary, auditor and treasurer of the territory, or any two of them, shall on the twenty-fifth day after the election, meet at the seat of government and proceed to canvass the votes cast for members of the general assembly and determine the results thereof.

Sec. 19. Presidential electors, 1876.—The general assembly shall, at their first session, immediately after the organization of the two houses and after the canvass of the votes for officers of the executive department, and before proceeding to other business, provide by act or joint resolution for the appointment by said general assembly of electors in the electoral college, and such joint resolution or the bill for such enactment may be passed without being printed or referred to any committee, or read on more than one day in either house, and shall take effect immediately after the concurrence of the two houses therein, and the approval of the governor thereto shall not be necessary.

Sec. 20. Presidential electors after 1876.—The general assembly shall provide that after the year eighteen hundred and seventy-six the electors of the electoral college shall be chosen by direct vote of the people.

Sec. 21. Expenses of convention.—The general assembly shall have power at their first session to provide for the payment of the expenses of this convention if any there be then remaining unpaid.

Sec. 22. Recognizances, bonds, payable to people continue.—All recognizances, bail bonds, official bonds and other obligations or undertakings, which have been, or at any time before the admission of the state shall be made or entered into, and expressed to be payable to the people of the territory of Colorado, shall continue in full force notwithstanding the change in the form of government, and any breach thereof, whenever occurring, may after the admission of the state be prosecuted, in the name of the people of the state.

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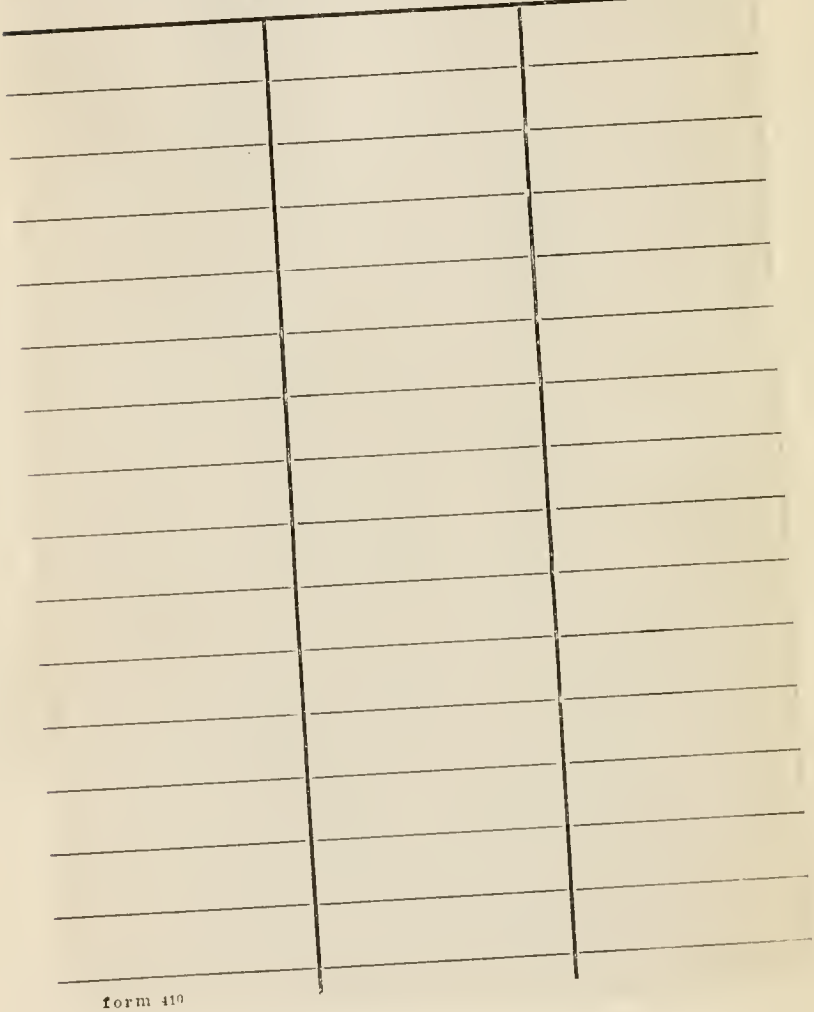
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